International Labour Conference
80th Session 1993

Report V (2)

Part-time work

International Labour Office Geneva

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INTRODUCTION

At its 251st Session (November 1991) the Governing Body of the International Labour Office decided to place on the agenda of the 80th Session (1993) of the International Labour Conference the question of part-time work.

In accordance with article 39 of the Standing Orders of the Conference, which deals with the preparatory stages of the double-discussion procedure, the Office drew up a preliminary report [1] intended to serve as the basis for the first discussion of this question. After briefly summarizing the background to the Governing Body's decision, the report analyses the law and practice on the subject in various countries. The report, which concluded with a questionnaire, was communicated to the governments of the member States of the ILO, which were invited to send their replies so as to reach the Office by 30 September 1992.

At the time of drawing up the present report, the Office had received replies from the governments of the following 65 member States: [2] Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Jordan, Kuwait, Malaysia, Malta, Mauritius, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Zambia.

The attention of governments was drawn to article 39, paragraph 1, of the Standing Orders of the Conference, which requests them to "consult the most representative organisations of employers and workers before finalising their replies", and they were asked to indicate which organizations had been consulted.

The governments of the following member States indicated that the organizations of employers or workers had been consulted or had been associated in the preparation of their replies: Barbados, Belarus, China, Congo, Cuba, Greece, Hungary, Morocco, Myanmar, Romania, Saudi Arabia, Sudan, Venezuela, Zambia.

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[1] ILO: *Part-time work*, Report V (1), International Labour Conference, 80th Session, Geneva, 1993.

[2] Replies that arrived too late to be included in the report may be consulted by delegates at the Conference.

The governments of the following member States incorporated in their replies the opinions of organizations of employers or workers: Cyprus, Denmark, Egypt, Finland, Mexico, Poland, Slovenia, Sweden, Turkey, Uruguay.

The governments of the following member States communicated the replies of employers' or workers' organizations separately, or else such replies were received directly at the Office: Australia, Austria, Bahrain, Belgium,[3] Brazil, Colombia, Gabon, Germany, Ireland, Italy, Japan, Malaysia, New Zealand, Nicaragua, Netherlands, Norway, Pakistan, Panama, Papua New Guinea, Portugal, Romania, Syrian Arab Republic, Turkey, United Kingdom, United States.

In conformity with article 39, paragraph 3, of the Standing Orders of the Conference, the replies of the most representative employers' or workers' organizations are reproduced or referred to in the present report.

If the Conference considers it advisable to adopt one or more instruments on part-time work, the Office will draw up, on the basis of the Conclusions adopted by the Conference, one or more draft instruments to be submitted to governments. It will then be for the Conference to take a final decision on the matter at a future session.

This report was prepared on the basis of the replies received, the substance of which, together with short commentaries, is given in the following pages. The Proposed Conclusions appear at the end of the report.

[3] With its reply the Government of Belgium enclosed an opinion prepared by the National Labour Council.

REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the general observations made by governments and their replies to the questionnaire, as well as the replies received from employers' and workers' organizations.

After a review of the General Observations, the text of each question is reproduced, followed by a list of the governments which answered, with an indication of the nature of the reply (affirmative, negative or other). Where a government's observations qualify or explain its reply, and where observations have been received from employers' and workers' organizations, the substance of the observations is given after that list, in the alphabetical order of the countries. Observations that may be regarded as equivalent to a straight affirmative or negative reply are not summarized, unless they are replies by employers' or workers' organizations which differ from the replies of their respective governments. Where one reply relates to several questions, the substance of the reply is given under one of the questions only.

In their replies, some governments gave particulars of the law and practice of their countries. These particulars, which are very useful for the work of the Office, are reproduced only if indispensable for the understanding of the relevant reply.

The summary of the observations on each question is followed by a short Office commentary referring to the corresponding Point (or Points) of the Proposed Conclusions at the end of the report.

General observations

Australia. Victoria: The instrument should not give any greater benefits to part-time employees than to full-time ones.

Western Australia: Formalized part-time work is a relatively new concept in many jurisdictions and therefore time may be required to implement the initiatives necessary to bring about total compliance.

Queensland: Promoting part-time work as an end in itself may undermine the availability of full-time work without contributing in any significant way to the expansion of the labour market.

Australian Chamber of Commerce and Industry (ACCI): The main objective of the instrument (a Recommendation) should be the promotion of part-time work and the removal of barriers to it. It should encourage employers to explore the possibility of increasing efficiency through the use of part-time workers; this would allow for flexibility in the scheduling of work, better use of capital equipment, the use of part-timers as back-up, the possibility to change hours worked and the use of part time instead of overtime. The instrument should also refer to the possible benefits to workers, including an allocation of working time consistent with family obligations, and part-time work as a means to enter or remain in the workforce for persons such as students and older workers.

Austria. Federal Chamber of Labour (BAK): The Chamber's approach is based on the following considerations: (1) the primary objective should be to shorten working time for full-time workers; (2) moves to make the labour law more flexible, in the sense of giving greater latitude to employers, should be resisted; (3) the achievement of flexible working time in the workers' interest requires a minimum degree of protection (e.g. no unilateral decisions by employers; notice periods for changes in work schedules; non-discrimination in calculating certain benefits; and avoidance of excessive workloads). Experience shows that part-time employment tends to be disadvantageous to workers; it should therefore be regulated by legislation and by collective agreements. Part-time work should not be encouraged, except possibly for parents and for persons close to retirement age. The Chamber is sceptical about expanding part-time employment for several reasons, including the fact that there is a trend, especially in the services sector, towards employing persons in "trivial" jobs, which involve less than normal working time and which provide no insurance coverage.

Belgium. National Labour Council (CNT): The instruments must meet the following criteria: (a) contain a limited number of clearly defined general principles which will enable the largest number of countries to adhere to them; and (b) avoid specific exclusions within a general definition of part-time work. To the extent that provision is made for exclusions, it is preferable to specify them in relation to a particular right. With respect to the possible content of the instrument(s), the following basic principles should apply: (a) part-time workers should have the same rights to organize and bargain collectively as full-time workers; (b) the principle of proportionality should apply to remuneration; (c) the same principle should apply in respect of other working conditions, taking into account the specific characteristics of part-time work; (d) the organization of working time should be determined through dialogue between the social partners and take into account the specific nature of the part-time work; (e) concerning access to social security systems, thresholds for coverage should be determined on a case-by-case basis depending on the form of work, and after consulting the social partners. Finally, the instrument(s) should provide for part-time workers to be given a written contract, though the latter would not necessarily have to detail all conditions of work.

For the representatives of employers' organizations, part-time work is important for employment and so should be promoted. It is an important method for redistributing work during recessions, it provides flexibility both to workers and to enterprises and it reduces tension in the labour market.

For the representatives of workers' organizations, it is inappropriate for the proposed instrument(s) to include a provision stating that national policy should promote part-time work. Experience in Belgium demonstrates that such a policy is not satisfactory in reducing unemployment nor does it always meet the expectations of individual workers wishing, for example, to reconcile family and working life. Part-time work should always be a matter of free choice. Recourse to part-time work should not constitute a political alternative to full-time work until other more equitable measures have been taken to redistribute work, as provided by the Employment Policy Convention, 1964 (No. 122).

Colombia. General Confederation of Democratic Workers (CGTD): In the opinion of the trade union movement, full-time employment without any limitation as to duration is the only form of employment that corresponds to the workers' expectations. The CGTD opposes the adoption of international rules the object of which would be to promote part-time work or any other atypical form of employment, in so far as that would encourage employers to make greater use of such forms of employment, would weaken the trade union movement and prejudice the workers' acquired rights.

Czechoslovakia. The Government is pleased to see that the question has been placed on the Conference agenda, with a view to the adoption of additional standards designed to strengthen the protection of part-time workers.

Denmark. In Denmark pay and working conditions are regulated by agreements between the social partners and are laid down in collective or individual agreements. The Danish Government favours working time flexibility and has encouraged part-time work

in the public sector. Specific consideration should be given to part-time work for employees above a certain age.

Finland. Finnish Employers' Confederation (STK) and Employers' Confederation of Service Industries (LTK): Part-time work should be seen as normal work and not as a special form of work. The minimum norms of legislation should apply to all workers in an employment relationship, irrespective of the hours of work, though collective agreements or employers could keep benefits in line with the number of hours worked. The proposed standards should not include provisions on protection against unemployment because Convention No. 168 and the related Recommendation include such provisions.

Central Organization of Finnish Trade Unions (SAK): The reduction of working hours should not be excluded from the scope of the Convention, since workers with reduced working hours and part-time workers often have the same kind of problems. Workers should be entitled to full-time work, which should remain the primary form of work, and should not be forced into part-time work.

Italy. Part-time work provides a method for responding flexibly to developments in the labour market, contributes to the creation and preservation of employment, and allows for work when objective personal or social reasons operate against full-time employment. Given the political and social importance of part-time work, it is important to ensure that the workers concerned are adequately protected.

Italian Confederation of Workers' Unions (CISL): There are three fundamental reasons for expanding part-time work: (a) addressing urgent employment problems in a large number of industrialized countries; (b) offering possibilities for modifying the work schedules of certain categories of workers, such as those with family responsibilities, students or young people looking for a first job, older workers and disabled persons; and (c) providing more free time for those who seek it. For part-time work to contribute effectively to solving problems in the labour market, it must become more attractive to workers through increased social protection, training and job advancement opportunities, while at the same time not creating economic disincentives for employers. Finally, it is essential that part-time workers have the same legal rights, including trade union rights, as full-time workers.

Japan. While the use of part-time work has increased in industrialized countries, its extent and conditions, and the legal framework for it, vary considerably. Moreover, such work is less common in developing countries. Therefore, the content of an instrument should be determined with a view to helping in the formulation and implementation of measures which correspond to the different national situations and objectives. It should give guidance to all member States in establishing labour standards on part-time work and improving working conditions for the workers concerned.

Japan Federation of Employers' Associations (NIKKEIREN): Measures should be taken on part-time work in each country by agreement between labour and management. Government involvement in the matter may hamper the development of part-time work.

Malaysia. Malaysian Labour Organization (MLO): There should be flexibility with respect to part-time work, but exploitation of part-time workers must be prevented and their working conditions improved. Part-time workers should enjoy all the benefits of full-time workers, though perhaps on a pro rata basis.

Netherlands. Council of Employers' Federations (RCO): Netherlands legislation does not differentiate between part-time and full-time workers. It is primarily the responsibility of the social partners to negotiate on questions relating to the promotion of part-time work and to the protection of the workers concerned. If a new instrument is adopted, it should be drafted in terms that would not make part-time more expensive than full-time work, since this would be detrimental to the enterprises and, indirectly, to the workers. Over-regulation of part-time work should be avoided, for this might hinder the entry of large numbers of women into the labour market.

Organization of Employers of Curaçao (VBC), Netherlands Antilles: Legislation concerning part-time work will result in a more rigid labour market and lead to higher costs for the employers.

New Zealand. The questionnaire does not give sufficient regard to the need to maximize the flexibility that is an objective of part-time employment patterns, benefiting both employers and workers.

Norway. Norwegian Confederation of Trade Unions (LO): All adults should be entitled to a full-time job, though there are circumstances which may lead to less than full-time work. Satisfactory arrangements must be made between the social partners, especially concerning the wages, hours of work and working conditions of part-time workers. The Preamble to the proposed instruments should underline the common responsibility of the parties to ensure good and well-organized conditions in the part-time labour market.

Sweden. The Swedish ILO Committee notes the lack of information in the Office report on part-time work from countries outside the OECD. The information base should be broader considering that the aim should be to formulate instruments that are universally relevant and applicable.

Swedish Employers' Confederation (SAF): The Confederation disagrees with the implied assumption that detailed regulation is needed to ensure that part-time workers are not treated less favourably than full-time ones. Such regulation would lead to loss of flexibility, additional bureaucracy and administration and would involve losses in productivity and additional expense. Thus an international instrument, if any, should focus on general basic principles and not regulate points of detail.

Turkey. Confederation of Turkish Employers' Associations (TISK): The introduction of part-time work in Turkey is unavoidable. The matter will be appropriately organized without being subjected to strict rules. Technological and economic development, changing work relationships and the emergence of new types of employment should be taken into account. Rules which will have only short-term validity must be avoided. Solutions must therefore be left to the social partners and to the legal system.

United States. US Council for International Business (USCIB): Part-time work enhances the ability of employers to respond efficiently to fluctuating demand and so to meet the challenges of competition within the country and abroad. In addition, it offers wage-earners and their families the chance to satisfy a whole range of needs. Because situations vary greatly, a uniform approach to the question is not desirable, and solutions should be sought preferably at the sectoral or enterprise level. Thirdly, the Council notes with some concern that Report V (1) concentrates largely on the industrialized countries, and doubts whether the question is ripe for international standards.

The points raised in the General Observations reflect the doubts of a number of governments and employers' organizations on the advisability of the envisaged standard-setting action, especially for developing countries, or their wish that the new standards on part-time work should be confined to broad principles, leaving ample latitude for this issue to be settled through bargaining between the social partners rather than by the central authority. Some employers' organizations believe that the promotion of part-time work should be given greater importance in the new standards. This point of view is not shared by a number of governments which consider that there is a need both to promote this type of employment and to improve the protection of part-time workers, or else that part-time work should not be encouraged to the detriment of full-time work. Finally, several workers' organizations are of the opinion that the new standards should mainly set out to protect part-time workers. The commentaries of the Office on these observations appear under the relevant questions.

I. Form of the international instrument or instruments

Do you consider that, without prejudice to the applicability of existing ILO instruments to part-time workers, the International Labour Conference should adopt an instrument or instruments concerning part-time work? **Qu. 1**

Total number of replies: 64.

Affirmative: 59. Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Japan, Jordan, Kuwait, Malta, Mexico, Morocco, Myanmar, Netherlands, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United States, Uruguay, Venezuela, Zambia.

Negative: 3. Ireland, New Zealand, United Kingdom.

Other: 2. Malaysia, Sweden.

Australia. Yes, for the purpose of dealing more directly with the special problems of this group of employees, of acknowledging the need for a greater recognition of this particular work pattern and of ensuring that part-time workers are not discriminated against. However, it may be necessary to develop separate instruments to cover casual work, i.e. short-term, irregular and seasonal employment.
ACCI: Yes.

Austria. Yes. The employers' organizations consider that an international instrument is unnecessary, for the international regulation of part-time work would conflict with the trend towards flexibility and individualization and would worsen the employment situation of women.
Association of Austrian Manufacturers (VÖI): No. The regulation of part-time work should be decentralized to the fullest possible extent in order to respond in the best possible way to the needs of the enterprises and of the workers.

Belgium. Yes. Part-time work, which is developing steadily, should be governed by rules consistent with its special features.

China. Yes. Though part-time work is not prevalent now, it is likely to emerge with the development of a market economy.

Colombia. National Association of Manufacturers (ANDI): Yes.
CGTD: No. See under General Observations.

Congo. Yes. This form of employment is expanding rapidly.

Cuba. Yes. Although in Cuba part-time work has not developed to any great extent, the Government considers it desirable that specific international rules should be adopted for the purpose of offering better protection to the workers concerned.

Cyprus. (Questions 1 and 2) Cyprus Employers' and Industrialists' Federation: The Federation favours the examination of this item by the Conference.

Finland. Yes. Part-time work is linked with complex questions related to working life and is a burning issue at the international level.

Germany. Yes, as it is an important objective of social policy to promote part-time work and to protect part-time workers. However, such an instrument must reserve the possibility of excluding career civil servants, since full-time permanent employment is the model established by the Constitution for the civil service.

Confederation of German Employers' Associations (BDA): No. An expansion of part-time work, which could benefit both workers and employers, requires that the greatest possible flexibility be preserved. The matter can be left to enterprises and to the parties to collective agreements.

Ireland. No. An instrument applicable only to part-time workers is not desirable. In the form in which it is envisaged in the questionnaire, such an instrument would facilitate the codification of different, and possibly less beneficial, conditions for one category of workers. Any new instrument should focus on the identification of a single set of employment conditions that would be applicable (on a pro rata basis according to hours worked, if necessary) to employees generally, in order to cover the greatest possible number of workers.

Irish Congress of Trade Unions (ICTU): Yes.

Italy. International standards appear indispensable for the purpose of encouraging recourse to part-time employment and of guaranteeing adequate levels of protection.

General Italian Confederation of Artisans (CONFARTIGIANATO): Current national regulations are sufficient with respect to the protection of part-time workers. The proposed ILO standards to regulate part-time work do not, therefore, seem necessary. However, an international instrument promoting part-time work and giving the social partners latitude in concluding arrangements would be useful.

Italian Labour Union (UIL): Yes.

Malaysia. Yes, but before formulating an instrument further work is needed to investigate the nature of part-time work more fully, and especially to study the problems and situation in developing countries.

Malaysian Employers' Federation (MEF): No, since more research needs to be done on the situation in developing countries before an instrument is formulated.

Netherlands. RCO: No.

New Zealand. No. In New Zealand all employees (both full-time and part-time) are covered by the same laws. As almost no distinctions are made between them in the legal sense, the Government does not consider it appropriate to prepare special regulations for part-time employees. In addition, many of the measures envisaged in the questionnaire would have a negative effect on part-time employment.

Nicaragua. Rural Workers' Association (ATC): Yes.

Pakistan. Pakistan National Federation of Trade Unions (PNFTU): Yes.

Poland. Confederation of Polish Employers (CPE): No. The existing instruments suffice.

Portugal. Yes, without prejudice to Conventions Nos. 111 and 122.

Confederation of Portuguese Industry (CIP): No. If an instrument is nevertheless adopted, it should be very flexible and merely lay down basic principles.

Spain. Yes, in view of the development of part-time work and because the conditions of employment and the social protection of the workers concerned deserve special attention.

Sri Lanka. Yes. An instrument endorsing the principles laid down in earlier regulations.

Sweden. See under Question 2.

Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO): Yes.

Turkey. TISK: Yes, provided that the purpose of the proposed standards is to offer guidance.

Confederation of Turkish Trade Unions (TURK-IS): Yes. While part-time work is a recent phenomenon in Turkey, it can be expected to establish itself as part of the increasing industrialization of the country and in view of the high rate of unemployment. A legal framework for part-time work is therefore important, and would be assisted by the adoption of relevant international instruments.

United Kingdom. No. The rate at which new Conventions are being adopted should be reduced and instead the ILO should concentrate on revising and encouraging the ratification of the existing Conventions and on providing guidance and technical advice in more flexible ways. The ILO should not in any case adopt Conventions that are largely irrelevant to the needs of the developing countries which form the majority of its membership. Report V (1) contains inaccuracies some of which may have contributed to an analysis that, reflected in the proposed instruments, is likely to give rise to difficulties. It is evident from the report that the issues to be addressed are overwhelmingly of relevance to industrialized countries. The proposed instruments would run directly against the interests of employers and employees. They would have the effect of adding to labour costs without improving productivity and of reducing labour market flexibility and competitiveness; this would discourage employers from creating part-time jobs and jeopardize existing part-time employment and part-time work opportunities.

Confederation of British Industry (CBI): No. Such an instrument would result in over-regulation and rigid standards that would be impractical and damage the job prospects of the persons it sought to protect.

Trades Union Congress (TUC): Yes.

United States. USCIB: No. The proposed instruments would be counter-productive. They would ignore the needs and desires of many employees who seek flexible working arrangements such as part-time work, which makes it possible to retain and attract the best employees. In addition, part-time work experience often provides the necessary prerequisite for entry to full-time employment. International regulation would, moreover, have adverse consequences as regards certain national economic and social objectives, such as full employment, and as regards competitiveness and job creation, because of the costs and rigidities which such regulation would involve. This would be particularly true in the service sector where the largest number of part-time workers are employed and where profit margins are small. Regulation would have a devastating effect on start-up and small businesses which are the primary source of new jobs in the United States.

Uruguay. Yes, even though this is not a priority issue.

Employers: No. The ILO should not adopt new standards, but should revise existing ones.

Workers: Yes. Part-time employment exists in all countries and hence calls for international regulation.

Venezuela. Yes, for the existing instruments dealing with part-time work are mainly Recommendations.

A number of employers' organizations expressed their strong opposition to the adoption of standards on part-time work by the ILO. However, as a large majority of the replies are in the affirmative, a provision proposing the adoption of new standards has been incorporated in the Proposed Conclusions *(Point 1)*.

The replies to Question 1 are dealt with in more detail under Question 2. Furthermore, the reference in Question 1 to the applicability of existing ILO instruments to part-time workers is commented upon under Question 2 and taken up as *Point 4* of the Proposed Conclusions.

Qu. 2 *If so, do you consider that the instrument or instruments should take the form of a Convention, a Recommendation or a Convention supplemented by a Recommendation?*

Total number of replies: 64.

Convention: 3. Argentina, Sri Lanka, Sudan.

Recommendation: 22. Bangladesh, Brazil, Chad, Congo, Egypt, Gabon, Indonesia, Islamic Republic of Iran, Ireland, Japan, Kuwait, Malaysia, Mexico, Myanmar, New Zealand, Panama, Papua New Guinea, Sweden, Syrian Arab Republic, United Arab Emirates, United Kingdom, Zambia.

Convention supplemented by a Recommendation: 37. Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Cuba, Czechoslovakia, Denmark, Finland, Germany, Greece, Hungary, Italy, Jordan, Malta, Morocco, Netherlands, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Suriname, Swaziland, Tunisia, Turkey, Uruguay, Venezuela.

Other: 2. Cyprus, United States.

Australia. By supplementing the Convention with a Recommendation the international community can be encouraged to take progressively additional steps to safeguard against the discrimination and exploitation of part-time employees.

ACCI: The principal function of a Recommendation (which the ACCI favours) should be to promote the development of part-time work and to remove the legislative and other barriers to part-time employment, and not to add to the rigidities affecting this form of employment.

Austria. VÖI: A Recommendation.

Federal Chamber of Trade and Industry (BGW): A Recommendation.

Bahrain. Chamber of Commerce and Industry of Bahrain (CCIB): A Convention.

Belgium. A Convention, confined to stating the general principles that are to govern part-time work and specifying the workers' essential rights, while the Recommendation would contain more specific provisions concerning part-time work and indicate longer-term objectives.

CNT: No decision can be given until the broad outlines of the proposed instruments are known.

Brazil. National Confederation of Commerce (CNC): The regulation of the conditions of employment in special cases such as part-time work should not be the subject of international instruments. If nevertheless an instrument were to be adopted, it should take the form of a Recommendation to allow for a certain degree of flexibility.

National Confederation of Transportation (CNT): A Recommendation giving general guidance, in keeping with the needs of workers and employers and taking account of the diversity of levels of development.

Canada. A Convention supplemented by a Recommendation. However, ILO Conventions should focus on broad principles and protection in order to ensure wider applicability throughout the ILO constituency.

Chad. A Recommendation. In Chad there is no part-time employment, by contrast with occasional, temporary, casual and seasonal employment.

Chile. A flexible Convention supplemented by a Recommendation that is likewise flexible.

Colombia. ANDI: A Recommendation.

Congo. A Recommendation for, owing to the difficulties involved in part-time employment, a Convention cannot be adopted for the time being.

Cyprus. A Recommendation preferably; however, the Government would agree to a Convention supplemented by a Recommendation.

Pancyprian Federation of Labour: A Convention supplemented by a Recommendation.

Cyprus Workers' Confederation: The Confederation favours the promotion of part-time work. The conditions of employment of part-time workers should be protected by a Convention supplemented by a Recommendation.

Denmark. A Convention supplemented by a Recommendation. The Convention should, to the extent possible, be confined to laying down general principles and a framework within which more detailed terms can be established in accordance with national tradition.

Danish Employers' Confederation (DA): A Recommendation.

Finland. A Convention supplemented by a Recommendation. The Convention should be confined to focusing on equality of treatment, referred to in Question 6 (a). The Government has some reservations, for reasons of employment, regarding the promotion of part-time work.

STK and LTK: A Recommendation.

Gabon. Only a Recommendation, because it is not binding, is appropriate at present. It would make all countries aware of the importance of part-time work by inviting them to take action for dealing with it. A Convention would be of interest to some member States only, inasmuch as part-time work is as yet not very common in Third World countries.

Gabonese Confederation of Free Trade Unions (CGSL): A Convention supplemented by a Recommendation.

Germany. Subject to the reservation expressed in reply to Question 1, a Convention supplemented by a Recommendation.

BDA: If an instrument is prepared, it should at most be a Recommendation.

DGB: A Convention supplemented by a Recommendation.

Islamic Republic of Iran. A Recommendation preferably, for not enough is known about the subject, and in view of the situation in the countries of Africa and Asia which are coping with economic and reconstruction problems.

Ireland. In view of the diversity between countries in relation to definitions of part-time working, for example, a Recommendation would be more appropriate.

ICTU: A Convention supplemented by a Recommendation.

Italy. General Confederation of Industry (CONFINDUSTRIA): A Recommendation.

Japan. A Recommendation which should contain flexible provisions indicating various possible measures to be taken.

NIKKEIREN: If an international instrument is adopted, it should be flexible, taking into account different national circumstances. So as not to hamper the development of part-time work which meets the needs of both labour and management, an instrument, if any, should take the form of a Recommendation.

Japanese Trade Union Confederation (RENGO): A Convention supplemented by a Recommendation.

Malaysia. MEF: The Federation opposes a Convention primarily because problems of implementation would result from the definition of part-time work, particularly in developing countries where there is likely to be confusion between part-time work and temporary, casual or seasonal work. In addition, a Convention would focus more on protecting workers by controlling part-time work and, given the high rate of unemployment in developing countries, implementation would be a problem. If there is to be an

instrument, it should be a Recommendation which is promotional in nature and which suggests measures that countries could adopt to facilitate part-time work and to ensure fair treatment for part-time workers.

MLO: A Recommendation that would protect the pay, working conditions and trade union rights of part-time workers and provide flexibility.

Mexico. Since national labour legislation is generally silent on the subject of part-time work, a Recommendation should be adopted which would leave each country free to take whatever measures are consistent with its circumstances. Besides, a number of matters related to part-time employment (e.g. pay, leave, hours of work, training, social security) are not suitable for regulation by a Convention.

Mexican Confederation of Chambers of Industry (CONCAMIN): A Recommendation.

Netherlands. A Convention supplemented by a Recommendation. The Convention would contain the basic principles, and the Recommendation the more detailed provisions and the different possibilities for achieving the objectives.

RCO: It makes no sense to adopt Conventions of which few, if any, are ratified; such a state of affairs impairs the value of ILO instruments. Hence, a Convention could only be acceptable if it laid down universal standards likely to be implemented in the not-too-distant future; in other words the standards should not be established at the highest existing level of standards, that of the European Communities, for example. In the particular case of part-time work, if an instrument were to be adopted it could only be a Recommendation.

New Zealand. The Government is opposed to the adoption of any instrument. If an instrument is adopted, it can only be a Recommendation.

Nicaragua. ATC: A Convention supplemented by a Recommendation.

Norway. Confederation of Norwegian Business and Industry (NHO): A Recommendation, in view of the great differences between enterprises.

Pakistan. PNFTU: A Convention supplemented by a Recommendation.

Papua New Guinea. A Recommendation, for it is more flexible and provides guidelines on the basis of which the government, employers and workers can negotiate freely the conditions of employment of part-time workers.

Employers' Federation of Papua New Guinea (EFPNG): A Recommendation.

Poland. CPE: If an instrument were to be adopted, it could only be a Recommendation.

Portugal. A Convention supplemented by a Recommendation. The Convention should be sufficiently flexible so as not to hamper recourse to part-time employment, for part-time work is of interest both to workers and to employers and is a means of countering unemployment and of promoting integration into working life.

CIP: A Recommendation.

Sri Lanka. A Convention to begin with. Special problems that might arise could be covered later by a supplementary Recommendation.

Sweden. The instrument, if any, should take the form of a Recommendation, since a Convention would risk undermining previous instruments by excluding part-time workers in practice from implementation of the general ILO Conventions which in principle include them. The ILO should pay attention to the status of part-time workers in its monitoring of measures taken to give effect to the general Conventions.

SAF: The instrument, if any, should take the form of a Recommendation so as to achieve the greatest possible flexibility.

LO/TCO: A Convention supplemented by a Recommendation. This is prompted by the increasing extent of part-time work and the inferior job security and rights enjoyed by part-time workers. Certain general instruments, such as Conventions Nos. 111 and 168, do not refer specifically to the length of working time as a factor on which discrimination is not allowed. For the TCO a Convention based on the questionnaire would not cause

much difficulty in the Swedish labour market depending on whether it gives part-time and full-time employees the same working and social conditions in most sectors; rates of pay should be left to collective agreements between the parties.

Syrian Arab Republic. A Recommendation. A Convention might be drafted later, in the light of developments.

Chamber of Industry: A Convention supplemented by a Recommendation.

Tunisia. A Convention confined to stating the principles, and a Recommendation spelling out the details.

Turkey. TISK: A Recommendation would be more appropriate than a Convention entailing strict rules.

United Kingdom. If the majority should decide in favour of an instrument, it should be a Recommendation only indicating general guidelines, taking account of the circumstances, needs and priorities of the member States.

CBI: If an instrument is drafted it should be a Recommendation which promotes flexible working patterns in the interests of employers, employees and economic growth and which allows the necessary flexibility for member States at different levels of economic development.

TUC: A Convention supplemented by a Recommendation.

United States. The Government's decision on the form of the instrument will depend on the substance of the proposed Convention or proposed Recommendation.

USCIB: Even a Recommendation is not desirable. If a Recommendation is discussed, it should contain at most very general guidelines to accommodate the varying needs, desires and circumstances of workers and employers, the need for flexibility at establishment level, and the economic circumstances of each member country.

Uruguay. Employers: If an instrument were to be adopted, it should be a Recommendation.

Zambia. In view of the diversity of national economies, the instrument should take the form of a Recommendation.

The majority of replies received are in favour of the adoption of a Convention supplemented by a Recommendation.

A significant minority of countries and most of the employers' organizations nevertheless favoured adopting a Recommendation only, invoking the widely differing needs and situations of countries and enterprises, the difficulties of application or the low incidence of part-time work in developing countries. Although, as clearly shown in Report V (1), part-time work has developed mainly in industrialized countries, the fact remains that this form of employment is also important for the less advanced countries, where it might develop considerably in the future; furthermore, a comparatively high number of these countries replied to the Office questionnaire and were in favour of a Convention supplemented by a Recommendation. Finally, it should be recalled that the instruments envisaged aim not only to guarantee that part-time workers are adequately protected but also to promote this form of employment.

When drafting the Proposed Conclusions, the Office followed the majority view *(Point 2)*, on the understanding that the final decision lies with the Conference.

A number of replies — among those in favour of the adoption of a Convention supplemented by a Recommendation as well as among those advocating a Recommendation only — stressed that the new instruments should

be flexible. Several governments felt that the Convention should contain only general principles, leaving matters of detail to the Recommendation.

One government expressed the concern that a Convention dealing specifically with part-time workers might undermine rights conferred upon them by other ILO Conventions. The Office felt it relevant to deal with this concern by including in the Proposed Conclusions a Point which reflects the idea in Question 1 and specifies that the standards adopted on part-time work will not affect more favourable provisions applicable to part-time workers under other international labour standards *(Point 4)*. Furthermore, several Points in the Proposed Conclusions with a view to a Convention have been drafted to show clearly that the Convention under consideration does not call in question the applicability of the principle of equality of protection and treatment for part-time workers which, in the areas under consideration, is stated in general terms by other ILO Conventions, the aim being that member States will take the necessary measures to turn this principle into reality for part-time workers.

II. Definitions, scope and means of application

Qu. 3 *For the purposes of the instrument(s), do you consider that:*

(a) the term "part-time worker" should mean an employed person whose contractual or customary hours of work are below a specified level, above which employed persons are considered as full-time workers?

(b) this level should be determined by the competent authority by reference to the hours of work defined or considered as normal in the branch or establishment concerned, after consulting the representative organizations of employers and workers concerned?

(c) this definition of part-time worker should not apply to employed persons affected by partial unemployment, that is a collective and temporary reduction in normal hours of work for economic, technical or structural reasons?

Clause (a):

Total number of replies: 61.

Affirmative: 41. Argentina, Bahrain, Bangladesh, Barbados, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Gabon, Hungary, Islamic Republic of Iran, Ireland, Jordan, Kuwait, Malaysia, Malta, Morocco, Myanmar, New Zealand, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Swaziland, Sweden, United Arab Emirates, Uruguay, Venezuela.

Negative: 4. Australia, United Kingdom, United States, Zambia.

Other: 16. Austria, Belgium, Finland, Germany, Greece, Indonesia, Italy, Japan, Mexico, Netherlands, Norway, Panama, Spain, Syrian Arab Republic, Tunisia, Turkey.

Clause (b):

Total number of replies: 61.

Affirmative: 41. Argentina, Australia, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Gabon, Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, United Arab Emirates, Uruguay, Venezuela, Zambia.

Negative: 6. Canada, Ireland, Netherlands, New Zealand, United Kingdom, United States.

Other: 14. Austria, Belgium, Finland, Germany, Greece, Hungary, Indonesia, Italy, Japan, Norway, Panama, Spain, Tunisia, Turkey.

Clause (c):

Total number of replies: 58.

Affirmative: 48. Argentina, Bahrain, Bangladesh, Barbados, Belgium, Brazil, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Germany, Gabon, Greece, Hungary, Indonesia, Italy, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Tunisia, Turkey, Uruguay, Venezuela, Zambia.

Negative: 8. Australia, Austria, Burundi, Cuba, Islamic Republic of Iran, Suriname, United Kingdom, United States.

Other: 2. Ireland, Japan.

Australia. (a) No. If the instruments are to provide useful guidance they must distinguish between casual and permanent part-time employees. It would be difficult, if not impossible, to develop a single set of provisions covering both of these very different groups of part-time workers. Failure to make this distinction would create difficulties in the implementation of the proposed instrument in Australia. (c) No. There would appear to be few valid reasons to distinguish partially unemployed part-time workers from other part-time employees. Economic difficulties and sharing available work can be an important reason for promoting part-time work.

ACCI: (a) to (c) Yes.

Austria. (a) "Part-time work" should mean employment for less than the normal working time specified in legislation or collective agreements. (b) The level should be determined by collective agreement or legislation. In both cases employers' and workers' organizations are involved.

VÖI: (a) and (b) The definition should be drafted in terms taking into account the views of the organizations representing the sectors concerned. (c) Yes.

BGW: Yes.
BAK: (a) and (b) The definitions should be formulated in the light of what is considered to be normal full-time work according to legislation or in collective agreements. (c) Such workers should be protected against any disadvantage.

Belgium. (a) and (b) It is not helpful to fix a level below which a worker would be deemed to be a part-time worker for the purposes of the Convention. Flexibility is needed to allow both for the diversity of national circumstances and for the objectives of the different regulations. It should further be specified that the part-time worker's shorter working time should be taken into account not by reference to a daily or weekly schedule but by reference to a longer time-span, to be fixed at the national level. (c) Yes. The nature of the contract of employment is not affected by partial unemployment.
CNT: (a) and (b) The broad definition suggested represents a sound approach, but the CNT thinks it might be preferable to adopt a more precise international definition based on two criteria: first, employment for a period shorter than full-time employment, and, secondly, taking into account all contracts for part-time employment, including those providing for an irregular period of employment. In addition, a sharp distinction should be drawn between part-time work and temporary or casual work. (c) Yes.

Brazil. CNT: (a) Only a sufficiently broad definition would be appropriate in an international instrument. (b) The level should be determined by prior negotiation between the representative organizations.

Canada. (a) Yes to the definition of a part-time worker as one whose hours of work are below those considered to be full-time; but no to specifying a level. (b) No, there are practical difficulties involved. It would be very difficult to adopt a cut-off point for a useful distinction between "full-time" and "part-time" employment other than within an establishment.

Colombia. ANDI: (a) Yes. (b) No, the level should be determined by the contracts of employment, in the light of what is customary for each form of employment. (c) No general rule should be laid down for dealing with this situation.

Denmark. DA: A precise definition is unnecessary for a possible Recommendation. It should be laid down in accordance with national practice.
LO: (b) The "competent authority" in fields covered by collective agreements should be defined as the parties to the agreements.

Egypt. (c) Employers: No.

Finland. (a) and (b) A definition of "part-time" is necessary for the operation of the Convention, but gives rise to huge problems. In view of the diversity of national circumstances and of branch-specific characteristics, a very broad definition is necessary. However, it is not desirable to leave it to the competent authority to determine the level in question.

Gabon. CGSL: (c) No.

Germany. (a) and (b) The working time even of full-time workers is subject to change. Taking account of the increasing use of flexible forms of working time, "part-time work" should be defined as meaning any employment for which a shorter regular working time is agreed than that of comparable full-time workers of the enterprise.
BDA: (a) and (b) No fixed levels should be specified. A "part-time worker" should mean a worker whose regular weekly working time is shorter than that of comparable full-time workers in the enterprise. (c) No.
DGB: (a) and (b) "Part-time work" should mean a form of employment for less than full time as defined in the collective agreement. A minimum working time should also be defined, with provision for exceptions to be made in collective agreements, to ensure a basic level of economic and social security for part-time workers. A minimum number of consecutive daily working hours should also be specified to protect workers against excessive fragmentation of working time.

Greece. (a) "Part-time workers" should be defined to mean workers whose daily or weekly hours of work are shorter than the normal. (b) In Greece this level is determined by agreement between the parties.

Hungary. (b) On the basis of the applicable legislation.

Indonesia. (a) and (b) The term "part-time worker" should be defined to mean an employee who works for a smaller number of hours or days than that specified in the labour legislation in force.

Ireland. (b) No, for this approach would give rise to arbitrary inequalities between employees according to the place or nature of their employment as regards basic entitlements. (c) If this exclusion should be provided for in the instrument, it would be necessary to define the meaning of "temporary" as signifying a sufficiently short period (e.g. six weeks).

ICTU: (b) By reference to normal working time as defined by legislation and practice, not by reference to normal working time in the branch or establishment concerned. (c) Yes.

Italy. (a) and (b) The threshold of working time below which a worker would be deemed to be be a part-time worker should be determined by negotiation or by practice. In Italy the term "part-time worker" means an employee whose working time is shorter than the normal working time specified in the collective agreement or one who works during specified periods of the week, month or year.

CONFINDUSTRIA: (b) The level should preferably be determined by collective bargaining.

Association for Chemical and Allied Concerns with State Participation (ASAP): Collective bargaining should also play a part.

UIL: (a) to (c) Yes.

Japan. (a) to (c) The definition should not be based solely on shorter working hours, since this would lead to the inclusion of a wide range of work of a different nature, hampering the implementation of measures which correspond to the characteristics of the respective categories of workers. To take account of differing definitions of part-time work in member States and the importance of specifying a level depending on the measures to be taken, the paragraph should read as follows: "The definition of 'part-time worker' should be determined by the competent authority of each member State, in accordance with the content of the measures and the national situation, from among employed persons whose contractual or customary hours of work are below a specified level."

RENGO: (a) Such workers should be so defined as to make it possible to include all workers whose hours are shorter than those of full-time workers. (b) There should be labour/management consultation concerning the definition of part-time workers. (c) Yes.

Malaysia. MLO: (b) The level should be determined by a competent authority comprising representatives of the government and of employers' and workers' organizations.

Mexico. (a) and (b) Mexican legislation does not specify a level of working time below which a worker would be deemed to be a part-time worker. In the Government's opinion, the level should vary according to whether the work is carried on in daytime, at night or partly during the day and partly at night. (c) Yes. The instrument or instruments should contain safeguards against any infringement of the workers' rights and should be based on the premise that part-time work is voluntary.

CONCAMIN: (a) and (c) No. (b) Yes.

Netherlands. (a) Both contractual and customary hours of work should be taken into account. The number of working hours should not be specified; rather, a part-time worker would be someone whose (customary) hours of work are shorter than those of a full-time worker in a certain branch or enterprise. (b) No, the level above which workers are considered to be full time depends on the collective agreement or custom in the particular branch or enterprise and is not a matter for governments to specify.

RCO: (a) "Part-time work" should be defined to mean any remunerated work performed on a regular and voluntary basis, in conformity with the contract of employment, for a duration shorter than that normal in the sector concerned. (b) The number of hours to be worked should be determined by employers and workers or their representatives.

FNV: (a) and (b) The diversity of contractual and customary hours of work make it difficult to define a general full-time level. A range of usual full-time hours should be defined at the national level, with provision for exceptions in certain branches.

New Zealand. (b) No. The level so determined should apply to all establishments.

NZEF: (b) and (c) No. These matters should be settled at enterprise level.

Nicaragua. ATC: (a) and (b) Yes.

Norway. (a) and (b) The term "part-time worker" should mean an employed person whose contractual or customary hours of work are lower than the normal working hours for ordinary/full-time employment in the occupation, branch or establishment concerned, calculated on a daily, weekly or monthly basis. Casual workers should not be covered by the instruments.

LO: (a) and (b) Yes.

Pakistan. PNFTU: (a) to (c) Yes.

Panama. (a) and (b) The term "part-time worker" denotes a complex concept. Its meaning should be defined clearly. The competent authority should determine the levels in question in consultation with the parties. Leaving it to the parties to determine the levels might cause injustice and prejudice the worker.

Poland. CPE: The definition should be that given in clause (b).

Solidarnosc: (a) and (b) Yes, but reference should be made to "specific levels". (c) Normally, these workers should come within the meaning of the definition, unless they lose the protection applicable to full-time employment in the branch or establishment concerned.

Portugal. (a) Yes. The meaning of "part-time work" should be defined by reference to full-time work, which may vary from one branch, enterprise, establishment, occupational category or occupation to another.

CIP: (a) The term should be defined to mean a worker whose working time is less than that current in the branch or establishment concerned. (b) No. It is not necessary that the competent authority should determine the level, which should be fixed within the branch or establishment.

Saudi Arabia. (b) Yes, provided that representative organizations exist.

Spain. (a) and (b) Yes, but it would also be appropriate to establish a minimum limit, either daily, weekly or monthly, below which the work should be considered marginal and excluded. (c) Such employees are still linked to the enterprise by a full-time contract.

Sri Lanka. (a) and (b) Yes. The definition should cover workers paid at piece-work rates and homeworkers.

Sweden. (b) Yes, or through collective agreements.

SAF: (a) Part-time work should mean employment for shorter working hours than are regarded within the enterprise as full regular working time. (b) No.

Syrian Arab Republic. (a) The term "part-time worker" should mean an employed person whose hours of work do not exceed half of the statutory hours.

Chamber of Industry (Questions 3 to 8): Yes.

Tunisia. (a) and (b) It would be an improvement if the definition indicated a minimum level, in order to avoid work schedules comparable to those for casual work, to guarantee minimum earnings, to allow for the difficulty of granting certain advantages pro rata to the length of working time, and to forestall the possibility of a person holding several part-time jobs simultaneously.

Turkey. (a) and (b) A level which would be a reference point or threshold for the competent authorities should be determined in the proposed instruments.

TISK: (a) and (b) No. The expression "part-time workers" should cover different atypical forms of employment and the instrument should not provide for any limit. (c) No.

United Kingdom. (a) to (c) No. The Government considers that the definition of the meaning of "part-time work" should remain a matter for national law and practice.

CBI: (a) to (c) The definition of the meaning of "part-time worker" could be based on the principles set out in these clauses (person whose hours of work are less than those of full-time workers, reference to hours of work considered normal in the branch or establishment, and exclusion of partial unemployment). However, these definitions present problems as regards the reference period (day, week, month or year), establishments or branches in which normal hours are short, the meaning of "temporary" in the phrase "temporary reduction in ... hours of work" in clause (c), and the implementation and policing of the instrument at the international level.

TUC: (a) The definition should cover persons working less than a certain number of hours per week, whatever their employment status (temporary, casual or self-employed). (b) The level should not be determined on a sectoral basis; a national standard should be determined, e.g. by reference to average working hours. (c) Yes, but the workers should not suffer a loss of accrued rights as a result.

United States. (a) and (b) Standard international criteria are not appropriate. The concepts should be developed by local authorities. (c) No. This is an artificial distinction.

USCIB: (a) No. The definition of part-time work needs to be very broad and flexible to take into account the differences in part-time work which were not captured by establishing a threshold. Moreover, it is not clear which reference period would be applied for the purpose of fixing the threshold (weekly, monthly or annual); each of these periods involves different considerations. (b) No, the normal hours of work vary from one industry and establishment to another. In the United States consultation with the representative organizations would be insufficient to determine what are normal hours. (c) Yes, provided that the meaning of certain expressions, such as "partial unemployment", "collective and temporary reduction" and "economic, technical or structural reasons" is first defined.

Venezuela. (a) and (b) Yes. It would be desirable, moreover, that the proposed provisions should fix a guaranteed minimum of hours of work for part-time workers.

Although a majority of replies on the definition of part-time workers proposed in (a) and (b) were in the affirmative, the many comments and reservations prompted the Office to propose a new wording.

Some replies expressed the opinion that part-time workers should be defined more precisely, for example by specifying the threshold above or below which workers would be considered as being employed full time or part time respectively, or by fixing a nationally applicable level. Other replies, however, emphasized the need for a much broader and flexible definition to take account of the diversity not only of situations in various countries or enterprises but also of national regulations and their objectives. Certain replies drew attention to the difficulty of specifying a level defining part-time workers, or to the need to leave the definition of this level to the social partners and to collective bargaining, rather than to the competent authority. Moreover, several replies proposed defining part-time workers on the basis of the main characteristic of this type of employment — i.e. the reduced length of working time compared with normal working hours, whatever these might be — without seeking the intervention of the competent authority.

The Office fully appreciates the criticism of the definition proposed for (a) and (b) as being too rigid and demanding, especially with respect to the competent

authority in each country. There is no denying that the definition proposed under Question 9 might cause considerable practical difficulties and lead to situations in which the competent authority would be obliged, after discussions with the representative organizations of the employers and workers concerned, to fix thresholds above or below which workers would be considered as working full time or part time respectively, at branch or even establishment level.

The Office therefore decided to propose a simpler and more flexible definition in *Point 3 (a)* of the Proposed Conclusions. This new definition can be explained by the following considerations:

(a) Any employed person working less than normal hours, and no longer than a level established with reference to these hours, would henceforth be considered a part-time worker since it is the normal hours of work that mark the distinction between full-time employment and part-time employment in almost all countries.

(b) The new definition proposed would no longer require the intervention of the competent authority.

(c) Normal "weekly" working hours would mark the distinction between the two categories of workers. This would be logical in so far as the weekly model is universally used when referring to normal working time. What is more, this would not prevent working time being established on another basis — daily, monthly or even annual — as this could be adjusted to the weekly level for the purposes in question.

(d) The point of reference would be normal weekly hours of work applied in the "establishment concerned"; this point of reference might however be applied at branch level to cover certain exceptional situations such as, for example, establishments employing part-time staff only. The normal weekly hours of work might be those established by legislation or, if shorter, those agreed to through collective bargaining or any other applicable form of negotiation.

(e) The words "for the relevant type of work or occupation" are used to respond to the suggestion made in several replies that account should be taken of possible variations between one branch or establishment and another and between one occupation or activity and another. This would allow for some comparisons to be made since normal hours of work may vary within the same establishment depending on whether the persons concerned are workers or salaried employees, and whether or not they are exposed to hazardous working conditions or are employed during the night and at weekends.

(f) The words "on average over a given period of employment" are used to cover all possible types of part-time work, ranging from the very common situation in which employed persons work every weekday for a number of hours below those required of full-time workers in the establishment concerned to situations in which persons linked by an employment relationship to a given employer have the same schedule as full-time workers but for a certain number of days in the week, weeks in the month, or months in the year, representing less time than that usually worked in the establishment.

The problem raised by some governments concerning the application of the standards envisaged to part-time staff in the public service and to temporary, casual or seasonal part-time work is dealt with under Question 4 concerning possibilities of exclusion. Since those who have a job which is not only temporary or seasonal but also part time need greater protection, the Office did not feel able to comply with the suggestion that such workers should be excluded from the definition.

As regards the provision suggested under (c), *Point 3 (b)* of the Proposed Conclusions reflects the majority of replies which are in the affirmative. The Office did not feel that it was possible to incorporate persons affected by partial unemployment in the definition of part-time work, in so far as they remain bound to the enterprise by a full-time contract. Similarly, the suggestion of defining what is meant by a temporary reduction in normal hours of work and other expressions used in clause (c) to describe partial unemployment has not been retained as the Office considers that it is up to each country to specify the scope.

(1) Should the instrument(s) apply to all part-time workers, provided that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from their scope limited categories of workers or of enterprises when the application of the instrument(s) to them would raise special problems of a substantial nature? **Qu. 4**

(2) In the case of a Convention, should it be provided that each Member that ratifies the Convention should list in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization any categories which may have been excluded in pursuance of question (1) above, giving the reasons for such exclusion, and should state in subsequent reports the position of its law and practice regarding the categories excluded, and the extent to which effect has been given or is proposed to be given to the Convention in respect of such categories?

Paragraph 1:

Total number of replies: 63.

Affirmative: 46. Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Brazil, Burundi, Canada, Chad, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Germany, Greece, Hungary, Indonesia, Ireland, Jordan, Malaysia, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Turkey, United Arab Emirates, United States, Uruguay, Zambia.

Negative: 4. Islamic Republic of Iran, Panama, Sweden, United Kingdom.

Others: 13. Bolivia, Chile, Congo, Gabon, Italy, Japan, Kuwait, Malta, Papua New Guinea, Slovenia, Spain, Tunisia, Venezuela.

Paragraph 2:

Total number of replies: 50.

Affirmative: 38. Australia, Austria, Bahrain, Barbados, Belgium, Burundi, Canada, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Islamic Republic of Iran, Ireland, Jordan, Kuwait, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Sri Lanka, Sudan, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 4. Argentina, Hungary, Papua New Guinea, Romania.

Other: 8. Belarus, Chile, Japan, Malta, Spain, Syrian Arab Republic, United Kingdom, United States.

Australia. (1) The instrument should apply to all part-time workers other than casual part-time workers. In view of their numbers, the mechanism envisaged for exclusion would be inappropriate.

ACCI: Yes.

Austria. VÖI: (1) Exclusions should be possible in all contingencies.

BGW: (1) Provision should be made for the exclusion of specific groups of workers or enterprises.

BAK: (1) The reference to "special problems of a substantial nature" is too vague.

Barbados. (1) It should apply to all part-time workers. The problems would have to be of a very special nature for any workers to be excluded.

Belarus. (2) Not necessarily.

Bolivia. (1) Progressive application of the proposed standards should be made possible.

Chile. (1) It should be possible for the competent authority to exclude also branches of activity. (2) Only for the first report.

Colombia. ANDI: (1) Yes.

Congo. (1) Yes, but only if the instrument is a Recommendation.

Gabon. As far as possible the Recommendation should leave it to national laws and regulations to determine which categories of part-time workers will be covered by the proposed standards and should encourage States gradually to extend the scope of those provisions.

CGSL: (1) The proposed standards should apply to all part-time workers without exception. (2) Yes.

Germany. (1) The instruments should apply to all workers, with reservations concerning civil servants. However, specific protective provisions could apply to limited groups of part-time workers, such as in the case of job-sharing or on-call work.

BDA: Exclusions should be permitted in the light of national requirements.

DGB: (1) The instrument should apply to all part-time workers.

Greece. (1) Yes. A provision concerning possible exceptions, by virtue of statute law or by agreement, is useful for member States.

Ireland. ICTU: (1) The exceptions should be specified in the instrument.

Italy. (1) The Convention should apply to all workers other than domestic employees and agricultural labourers.
CONFINDUSTRIA: Yes.
UIL: Yes.

Japan. (1) The scope should be regulated according to the national situation and exclusions should be permitted. Career public servants should be expressly excluded. (2) Uniform application should not be a precondition.
RENGO: Yes.

Kuwait. Kuwaiti law concerning the private sector applies to all part-time workers, except casual workers.

Malta. A Member should be able to exclude any categories of workers or enterprises.

Netherlands. RCO: (1) Household workers, fisheries, maritime transport and inland shipping should be excluded.
FNV: (1) Exclusion should not be possible solely on the basis of the hours worked, which could increase marginalized part-time work and indirect discrimination. If it is necessary to exclude specific categories of workers, such exclusion need not apply to the forms of protection contained in the instruments.

Nicaragua. ATC: Yes.

Pakistan. PNFTU: Yes.

Panama. (1) No. There should be broader scope for possible exclusions.
CONEP: (1) No. This is a matter for collective bargaining.

Papua New Guinea. (1) The instrument should apply to all part-time workers but should be flexible enough to allow for the possible exclusion of certain categories of workers or enterprises as a result of consultations or by agreement. (2) No, because the proposed measure is of a continuing nature and is not sufficiently flexible.
EFPNG: (1) Yes.

Poland. CPE: (2) No.
Solidarnosc: (1) Any exclusion decided upon pursuant to the proposed provision must be reviewed periodically.

Portugal. CIP: (1) In view of the definition proposed in an earlier question, there should be no special regimes.

Romania. (2) No, in so far as the categories in question are excluded after consultation with the organizations representing the employers and workers concerned.
FRATIA: (2) Yes.

Slovenia. (1) If the Convention allows for exclusions, the reasons should be defined in the instrument.

Spain. (1) There should be no exclusion in principle, if the term "part-time worker" is well defined. However, specific categories of workers to be excluded by member States could be covered by this point. Such exclusions could be revised periodically. (2) Yes, for the first report. No, for the following reports.

Sweden. (1) No. A Convention that provided for the exclusion of categories of workers would contribute to undermining existing ILO general Conventions. A Recommendation need not state exceptions.
LO/TCO: Yes.

Syrian Arab Republic. (2) Yes, but only as regards the first report.

Tunisia. (1) This is a flexible measure likely to facilitate ratification. A provision allowing for possible exclusions might apply also to certain sectors of activity.

Turkey. TISK: (1) Yes.

United Kingdom. (1) No. What may be considered reasonable in the case of part-time workers employed for a large number of hours in relation to normal working time may be unnecessary in cases where hours of work are minimal. (2) Yes, provided that no commitment is required to revoke the exclusions.

CBI: (1) It is essential that member States should have the possibility of excluding certain categories of workers. There are significant groups of workers who should be excluded (e.g. the self-employed, family members, persons working a very small number of hours over a given period, seasonal workers). (2) Yes.

TUC: (1) As a general rule there should be no such exclusions. Any exceptions should be permitted only on the basis of an agreement with a trade union making provision for compensatory benefits. (2) Members could be asked to indicate in what cases derogations by collective agreement had taken place and what compensatory benefits had been provided.

United States. (2) Yes, but only as regards information concerning the categories that have been excluded.

USCIB: (1) Yes, but the meaning of the phrase "special problems of a substantial nature" should be defined. In the United States consultation with the representative organizations would be insufficient to determine the appropriate exclusions. (2) No. The widely varying circumstances giving rise to such problems are not likely to change over time or as a result of economic development. The requirement regarding the information to be given in subsequent reports is unrealistic.

Venezuela. (1) It should be possible to exclude sectors.

The possibility of total or partial exclusion from the scope of the instruments, referred to in the first paragraph of this question, met with a large measure of approval.

Nevertheless, several replies, in particular from workers' organizations, expressed the opinion that the instruments should apply to all part-time workers without exception. Others felt that the possibility of exclusion should be offset by a certain number of obligations. These could include: stating the reasons or defining special problems of a substantial nature justifying the exclusions; regularly re-examining these exclusions; or resorting to exclusion only on the basis of an agreement negotiated by the parties involved and subject to compensation being granted to the categories thus excluded.

According to some replies, the task of determining exclusions should, on the contrary, be left to national laws and regulations. Others believed that the instruments should provide for wider possibilities of exclusion, for instance allowing the exclusion of branches or sectors of activity such as fishing, maritime transport and inland navigation.

A number of replies suggested allowing the exclusion of certain categories of workers such as career public servants, domestic and agricultural workers, casual part-time workers and those working a reduced number of hours over a given period, such as seasonal workers.

When drafting the corresponding conclusions, the Office thought it worth while to make a distinction between the proposed Convention and Recommendation. In the case of the Convention, it does not feel that it can, at this stage, provide for the exclusion either of sectors of activity or of large categories of workers such as public servants, amongst whom there are a particularly high number of part-timers, since it seems vital that protection in

the basic areas covered by Questions 7 and 8 should apply to the largest number of part-time workers, whether they are employed in the private or public sector and whether their employment is permanent, temporary or casual. Furthermore, it will be noted that Point 11, corresponding to Question 9, allows for the exclusion of other categories of workers from the application of the other envisaged measures of protection. *Point 6 (1)* of the Proposed Conclusions therefore remains close to the original wording.

When drafting the Point corresponding to paragraph 2 of this question, however, the Office changed the wording to take account of the reservations expressed concerning the obligation of progressively extending the provisions of the Convention to the workers excluded. *Point 6 (2)* therefore specifies that only the reasons for which exclusions have been or still are considered necessary need be mentioned in the reports submitted under article 22 of the Constitution.

As regards the Recommendation, a point providing for its application to all part-time workers, as advocated by some of the replies, has been added since a Recommendation does not lay down obligations but rather proposes guidelines and objectives *(Point 13)*.

Should the instrument(s) provide that their provisions should be applied by laws and regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice? **Qu. 5**

Total number of replies: 59.

Affirmative: 41. Argentina, Austria, Bahrain, Barbados, Belarus, Belgium, Brazil, Canada, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Hungary, Indonesia, Islamic Republic of Iran, Ireland, Kuwait, Malaysia, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Turkey, United Arab Emirates, Uruguay, Venezuela.

Other: 18. Australia, Bangladesh, Bolivia, Burundi, Germany, Greece, Italy, Japan, Jordan, Morocco, Panama, Papua New Guinea, Slovenia, Syrian Arab Republic, Tunisia, United Kingdom, United States, Zambia.

Australia. By any means consistent with national practice.
ACCI: Yes.

Austria. VÖI: Regulations should be applied at the most decentralized level.
BGW: Application by means consistent with national practice is sufficient.
BAK: By legislation and collective agreements, but not by unilateral decisions by employers.

Bangladesh. It should be for member States to decide, in a manner consistent with national circumstances and practice.

Bolivia. By laws and regulations.

Brazil. CNT: According to national practice.

Burundi. By means of collective agreements or in any other manner consistent with national practice.

Colombia. ANDI: According to national law and practice.
CGTD: In addition, the participation of the workers' representatives in any important amendment to labour legislation should be ensured.

Congo. Yes. In view of the nature of part-time work, all the modes of application mentioned should be provided for.

Gabon. CGSL: By laws and regulations.

Germany. Where provisions are given effect to by means of collective agreements or in some other manner, compliance should be assumed if the provisions are applied to the great majority of workers.
DGB: Yes.

Greece. By laws and regulations or pursuant to collective agreements.

Ireland. ICTU: By laws and regulations.

Italy. Preferably by laws and regulations, especially as regards questions of public law and social welfare. Other aspects may be settled by negotiation.
UIL: Yes.

Japan. It should be provided that: "This Recommendation may be applied by national laws and regulations, collective agreements, arbitration or judicial decisions, or in any other appropriate manner consistent with national practice."
RENGO: Yes.

Jordan. By laws and regulations.

Morocco. By laws and regulations or in any other manner consistent with national practice.

Mexico. CONCAMIN: No.

Nicaragua. ATC: Yes.

Norway. NHO: Preferably by means of collective agreements, in view of the different requirements of the sectors of activity.

Pakistan. PNFTU: Yes.

Panama. By laws and regulations.
CONEP: No, by means of collective bargaining. Over-regulation is very harmful to the development of small and medium enterprises.

Papua New Guinea. The instruments should not be applied by laws and regulations, for that would restrict part-time work.

Poland. Solidarnosc: The instruments should be applied by laws and regulations. On the basis of the laws and regulations, collective agreements or other means consistent with national practice might be used as well.

Portugal. CIP: Such a provision is unnecessary.

Slovenia. In the manner usually adopted under national legislation.

Syrian Arab Republic. By laws and regulations, from which collective agreements should not depart.

Tunisia. By laws and regulations. Collective agreements might contain more favourable provisions taking into account the special characteristics of the business sector or enterprise in question.

Turkey. TISK: There should be no compulsory rules as this would hinder the desired development of part-time work.

United Kingdom. Certain employment protection rights should be applied by law, subject, where appropriate, to thresholds in terms of hours worked and length of service. Employers should in general negotiate and agree the terms and conditions of employment of part-time and other workers with the employees concerned or their representatives.

CBI: Care needs to be taken where the application of a Convention is left to any other means than laws or regulations.

TUC: Yes.

United States. By any means consistent with national practice.

USCIB: No. At most, general guidelines would be appropriate. Laws and regulations would remove the flexibility needed by workers and employers.

Zambia. This should be governed by national practice.

Most of the replies to this question are in the affirmative. However, some of them advocate application by laws and regulations alone, whereas others suggest a wording which does not stipulate the obligation to legislate when implementation is not guaranteed by other means in accordance with national practice. Some governments pointed out that laws and regulations might be preferable, even necessary, in some areas such as social welfare, whereas in others collective bargaining might be more appropriate. It goes without saying that the law is the primary legal source for matters relating to social security and that the corresponding provisions can therefore be applied only by laws and regulations, as stipulated by the wording of the Points dealing with this aspect (Points 9, 12 (a), 17, 18 and 26). The social partners and collective bargaining, for their part, seem to be called upon to play an often decisive role as regards conditions of work. Consequently, the Proposed Conclusions retain the formulation suggested by the question, which allows for the standards to be applied by all means consistent with national practice *(Point 5)*.

Noting the suggestion of one workers' organization to associate workers' representatives with any changes to legislation, the Office supplemented this Point to reflect the importance of consultation with the most representative organizations of employers and workers before adopting laws and regulations. The corresponding text is based on that used in other ILO Conventions such as, for example, the Night Work Convention, 1990 (No. 171).

III. Content of a Convention

Should the Convention provide that each Member should, in consultation with the most representative organizations of employers and workers, formulate, implement and periodically review a national policy aimed at: **Qu. 6**

(a) improving the conditions of work and employment of part-time workers?

(b) promoting productive and freely chosen part-time work?

Clause (a):

Total number of replies: 54.

Affirmative: 41. Argentina, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, China, Congo, Cuba, Cyprus, Czechoslovakia, Greece, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Netherlands, Norway, Panama, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Repubic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 5. Canada, Denmark, Germany, New Zealand, United Kingdom.

Other: 8. Australia, Finland, Ireland, Japan, Papua New Guinea, Spain, Sweden, United States.

Clause (b):

Total number of replies: 54.

Affirmative: 38. Argentina, Australia, Bahrain, Barbados, Belarus, Burundi, Chile, China, Cyprus, Czechoslovakia, Greece, Islamic Republic of Iran, Italy, Japan, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Portugal, Romania, Saudi Arabia, Slovenia, Sudan, Suriname, Swaziland, Syrian Arab Republc, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Venezuela.

Negative: 10. Austria, Canada, Congo, Cuba, Denmark, Finland, Poland, Qatar, Sweden, Uruguay.

Other: 6. Belgium, Germany, Ireland, Papua New Guinea, Spain, Sri Lanka.

Australia. (a) National policy would need to distinguish permanent part-time from casual employment. (b) Yes. A balance would need to be struck between the promotion of full-time work and the promotion of part-time work.

ACCI: (a) No. (b) Yes.

Austria. (a) Yes. The primary objective of the Convention should also be to bring the conditions of work and employment of part-time workers into line with those applicable to full-time workers. (b) Measures should aim at promoting part-time work for parents during their child's early years, as part of family and social policy. However, since in other cases it is difficult to know whether part-time work is freely chosen, and since it is not established that part-time work reduces unemployment, there is no special case for the State to promote part-time work.

VÖI: (a) Since no distinction is made in Austria between part-time and other workers, there is no need for regulations in this respect. (b) Yes.

BAK: The Convention should provide not merely for consultation with workers' representatives but also for co-determination. (a) Yes. The Convention should safeguard the principles of equality of treatment and non-discrimination, as well as freedom of association, for part-time workers. (b) The promotion of "productive" (which needs elaboration) and "freely chosen" (implying broader workers' rights to be consulted) part-time work would require a change in social policy.

Belgium. There is no need for a periodic review of national policy. (b) Freedom of choice should be provided for, but part-time employment should not necessarily be promoted.

Canada. (a) and (b) No. The principle of national policies aimed at promoting full, productive and freely chosen employment is provided for in the ILO's Employment Policy Convention, No. 122 (1964), which applies to all workers. Such policies can make specific provisions for various categories of workers. It is neither necessary nor desirable to establish policies aimed specifically at the various categories of employees which are covered by the overall national employment policy. In addition, given that many workers prefer full-time to part-time employment, a national policy should not promote part-time work.

Chile. (b) Yes. The development of productive and freely chosen work — both part time and full time — should be a priority objective.

Colombia. CGTD: Tripartite machinery with decision-making powers should be established to define such a policy.

Cuba. (b) No, because of the drawbacks of part-time work.

Denmark. (a) No. The State has no special responsibility for determining the pay and working conditions of part-time employees other than in its own administration. These terms must be set by the social partners by collective agreements, without discrimination against part-time employees.

LO: (a) The objectives stated are open to misunderstanding. The aim should be that where part-time work is possible, pay and working conditions will not be discriminatory. (b) No.

Finland. (a) The objective is to be considered positive, but the text should be formulated in such a way as not to require any special national programme of action. (b) The removal of any legislative obstacles to freely chosen part-time work and part-time work based on the needs of the workers is justifiable, but making promotion of part-time work an objective of national policy is in many respects problematic. Nor is it necessarily compatible with the national aims of many countries. If the promotion of part-time work were to be provided for in the ILO instruments, a Recommendation would be more appropriate.

Gabon. CGSL: (a) Yes. (b) No.

Germany. (a) No. Since the improvement of conditions of work and employment is a matter for the parties to collective agreements, the formulation, implementation and review of a national policy cannot be the sole responsibility of government. Moreover, governments cannot meaningfully advise employers' and workers' organizations on matters subject to autonomous collective bargaining. (b) The Government assumes that these measures for promoting part-time work do not relate to matters for collective bargaining. Further, there should be no financial promotion of part-time work, giving it preference over full-time employment.

BDA: (a) No. Improvement of the conditions of work and employment of part-time workers should be left to the social partners. (b) Yes.

DGB: (a) Yes. (b) Yes, provided that the right to reinstatement in a full-time job is safeguarded.

Ireland. The aim of the instrument should be to provide, for workers generally, acceptable minimum terms and conditions of employment.

ICTU: (a) Yes. (b) The question of promoting part-time work needs to be carefully assessed.

Italy. (a) Yes, the object being to ensure equality of treatment with full-time workers. (b) Yes, if the part-time work is suitably protected.

CONFINDUSTRIA: (a) In particulier so far as conditions outside the enterprise are concerned, such as transport and crèches. (b) Yes.

ASAP: (a) The object of improving the conditions of work and employment should be to ensure equality of treatment.

UIL: (a) and (b) Yes.

Japan. Questions 6 to 10 should form the content of a Recommendation, not a Convention. (a) Consideration should be given to seeing that full-time workers do not become treated less favourably than part-time ones. (b) Yes, provided that part-time work is promoted in the same manner as full-time work.

RENGO: (a) This objective should be given priority. (b) Promotion of part-time work should be limited to cases where there has been progress in improving conditions of employment and work.

Mexico. (b) Yes, but priorities have to be determined by member States.

Netherlands. Yes, but in order to make it very clear that it is the government which has the ultimate responsibility it would be preferable to amend the text to read "after consultation with ...". (b) The Government of Aruba does not favour a policy of promoting part-time work, in view of the shortage of manpower.

RCO: (a) The Convention should provide that the legal position of a part-time worker should be the same as that of a full-time worker, unless a difference of treatment is justified on an objective basis.

Nicaragua. ATC: (a) and (b) Yes.

New Zealand. (b) Yes. Productive and freely chosen part-time work is best promoted by the Government's current policy of not making any distinction in law between part-time and full-time employees.

Pakistan. PNFTU (Questions 6 to 10): Yes.

Panama. (a) and (b) Yes, if a Convention were to be adopted.

CONEP: (a) Yes. (b) Yes, depending on the country's economic and social situation.

Papua New Guinea. The Government is not in favour of a Convention. However, should a Convention be adopted, it must provide for flexibility and for a tripartite consultative mechanism, whereby the government would formulate a national policy aimed at achieving these objectives.

Poland. CPE: This provision is unnecessary. (a) The improvement of the conditions of work and employment of part-time workers should form part of the general process of improving these conditions. (b) The promotion of part-time work is not an objective per se; the use of a system of part-time work should depend rather on the requirements of the enterprise, business sector or national economy.

Solidarnosc: There should be a broader reference to consultations with the representative organizations, as in Questions 3 and 4. (a) Yes. (b) Measures for promoting part-time work should not be substitutes for effective measures for reducing unemployment. Such promotional measures should, moreover, be carefully weighed at the time when they are formulated and when they are being implemented, and they should be reviewed periodically to determine their impact on unemployment.

Portugal. (a) Yes. The objective is equally valid for full-time work. (b) Yes, inasmuch as part-time work is a flexible form of employment which may be of advantageous to workers and employers alike, for it makes it possible to meet the needs of individuals and may correspond to the objectives of enterprises.

CIP: (a) and (b) No objection, provided that the conditions of employment are adjusted to this type of employment and do not involve any undue expenses or restrictions that would be a disincentive for part-time work.

Spain. (a) The Convention's aim should not be to improve the conditions of employment of part-time workers but rather to ensure equality of treatment with other workers. (b) The object should be rather to remove the barriers to part-time work.

Sri Lanka. (a) Yes. (b) Yes, but not so as to prejudice full-time workers. Full-time work should not be shared out among part-time workers for the sole purpose of promoting part-time work.

Sweden. (a) See reply to Question 2. (b) No.

LO/TCO: (a) Yes.

Tunisia. (a) and (b) Yes, because of the usefulness of part-time work. However, the latter should not be promoted at the expense of full-time work.

United Kingdom. (a) No. The pay and other terms and conditions of employment of part-time workers, like those of full-time workers, are matters to be agreed between the employers and workers concerned in the light of local circumstances and without government intervention. (b) No objection in principle, provided that it is left to individual member States to decide how this should be done.

CBI: (a) and (b) No. Members should facilitate the development of an accessible, effective and productive labour market by promoting flexible forms of working, including part-time work where appropriate. There is a direct contradiction between measures introduced to increase the supply of part-time work to meet labour market demand and steps which increase the price of part-time labour through improved conditions of work.

TUC: (a) Yes. (b) Yes, but not in ways which would erode the terms, conditions and job security of full-time employees.

United States. (a) Policies, conditions of work and employment should be the same for part-time and full-time workers. (b) Every worker should be afforded the opportunity for productive and freely chosen work.

USCIB: (a) and (b) No.

Uruguay. Employers: (b) Yes.

The majority of replies to Question 6 were in the affirmative. However a significant number of comments and reservations were also expressed, both by governments and by workers' and employers' organizations. These comments or reservations sometimes qualify considerably the affirmative reply and even go so far as to question the validity of the objectives of clauses (a) and (b). They draw attention to the misunderstandings that might arise or to the fact that drawing up specific national policies is neither necessary nor desirable, whether to improve the working conditions of part-time workers or to promote part-time work. A number of employers' organizations, for their part, see a contradiction between the two objectives or stress the need to avoid excessive expenditure or the constraints that would discourage recourse to part-time work and its development.

As regards the objective suggested under (a), many replies pointed out that improving working conditions was a valid objective for all workers and that there was no need, in this area, to adopt a specific policy for part-time workers. A number of replies stated that the main issue was to promote equality of treatment between part-time and other workers. For one government it was more important to guarantee minimum conditions of employment and work that were acceptable for all, whereas one employers' organization felt that improving the working conditions of part-time workers should be an integral part of a general policy to improve working conditions. Finally, two governments felt that the fixing of working conditions should be a matter for free bargaining between the social partners and stressed the difficulties that would be caused by government intervention to draw up and implement the national policy in question.

Even more reservations were expressed about the objective suggested under (b) of promoting part-time work. Some replies expressed the opinion that, rather than promoting part-time work, the aim should be to eliminate obstacles to its development or to enable all workers to have productive and freely chosen employment. Since national employment policies apply to everyone — as

indeed provided for under existing international labour standards — and since many workers prefer to work full time, it is inappropriate to draw up a policy specifically promoting part-time work; indeed, this would be questionable in many respects and contrary to the objectives of many countries. Part-time work should be the outcome of an individual's free choice or result from the needs of the enterprise, sector or society and should in no case be promoted to the detriment of full-time work. Some replies considered that the promotion of part-time work should not involve splitting existing full-time jobs into part-time ones and that it in no way replaces efficient measures to combat unemployment. In any case it has not been established that part-time work helps to reduce unemployment. Noting the difficulty of making sure that part-time work is genuinely freely chosen, one government was of the view that the State should not promote this type of work except for specific cases justified by social or family policy. Other replies voiced strong opposition to the objective of promoting part-time work because of the disadvantages inherent in this type of employment or felt that if this objective were retained, it should be offset by adequate protection. Finally, one government was of the opinion that it was important to strike a balance between the promotion of full-time work and that of part-time work.

In view of these reservations or criticism, the Office decided not to include a point corresponding to Question 6 in the Proposed Conclusions; moreover, this has the advantage of making the text of the Convention more concise. This decision was taken in order to avoid, during the first discussion, an interminable — and in the final analysis somewhat pointless — discussion on the relative importance of the two objectives that the Governing Body had in mind when it included the question of part-time work on the Conference agenda. As regards the Convention, the Office considers that the discussion should focus on concrete and specific provisions; such therefore is the nature of the provisions in *Points 7 to 12* of the Proposed Conclusions.

Qu. 7 *Should the Convention provide that part-time workers should have the same protection as other workers in respect of:*

(a) the right to organize, to bargain collectively and to act as workers' representatives?

(b) occupational safety and health?

(c) discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction, nationality, ethnic or social origin, disability or age?

Clause (a):

Total number of replies: 55.

Affirmative: 52. Argentina, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Greece, Islamic Republic of Iran,

Ireland, Italy, Japan, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela.

Other: 3. Qatar, Sweden, Syrian Arab Republic.

Clause (b):

Total number of replies: 54.

Affirmative: 52. Argentina, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Greece, Islamic Republic of Iran, Ireland, Italy, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela.

Negative: 1. Japan.

Other: 1. Sweden.

Clause (c):

Total number of replies: 53.

Affirmative: 50. Argentina, Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Greece, Islamic Republic of Iran, Ireland, Italy, Kuwait, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela.

Negative: 2. Japan, Jordan.

Other: 1. Sweden.

Australia. (a) Yes, although to provide a meaningful level of protection this provision would need to be carefully worded. Part-time workers may have the same legal rights in these respects as other workers but may face practical barriers in exercising them (e.g. location and timing of union meetings). (b) Yes. All workers have a right to a safe work environment, regardless of the hours worked. The proportionality of protection should be determined only by the level of risk to which part-time workers are exposed.

Austria. Yes. In addition, protection should include access on an equal footing to enterprise-level social security schemes, protection against excessive overtime and the prohibition of discrimination based on working time in relation to employment and careers. Opportunities for further training and career advancement should be taken into account.

VÖI (Questions 7 to 9): There is no need for regulations concerning these matters, for the principles stated are applied in Austria. Provision should be made for exceptions in cases where the period of employment is very short.

BAK (Questions 7 to 9): Yes. Rights should be enumerated, including the right to participate in enterprise-level social security schemes, opportunities for training and career advancement and protection against excessive workloads. The rights referred to in Question 9 should be granted proportionately, although certain rights cannot be curtailed on the basis of shorter working time.

Bahrain. CCIB: (a) and (c) No.

Belgium. Yes, as general principles, provided that it is possible, in special cases, to make allowance for the shorter working time of part-time workers.

Colombia. CGTD: Yes. If a Convention is adopted, part-time workers should receive the same benefits as other workers, including the right to organize, the right to collective bargaining, the right to strike, the right to social security schemes and any other right recognized by existing instruments.

Finland. Yes. The basic rights referred to in this question as well as other minimum statutory rights should apply to all workers on an equal basis, irrespective of working hours. More detailed inquiries should be made to determine whether in some respects minimum statutory benefits should be distinguished from branch-specific or company-specific arrangements exceeding these minima.

Gabon. CGSL: Yes.

Germany. (b) Yes. Workplace hazards are present irrespective of the time a person spends at work. Many obligations concerning occupational safety and health relate by their nature to each individual worker.

Ireland. Yes. All workers should enjoy equitable rights as regards the benefits provided for in the labour legislation.

Italy. Yes. Part-time workers should not be discriminated against in these respects.

Japan. (b) No. As it is not appropriate to force employers to give part-time workers the same protection on matters — such as periodical health examinations — which are not restricted to occupational hazards, different treatment should be permitted under conditions prescribed by the competent authority according to the nature of the protection. (c) No. The instrument would lose its flexibility if discrimination were regulated in a uniform manner. In addition, other types of discrimination are already prohibited by ILO Convention No. 111 irrespective of whether the work is full time or part time. This issue could be referred to in the Preamble and a separate provision is unnecessary.

RENGO: (a) Yes.

Mexico. (a) Yes, for the representation of part-time workers or when such rights are provided under a collective agreement. (b) Yes, but these aspects should be studied further.

Nicaragua. ATC: (a) Yes.

Panama. Yes, to provide otherwise would be discriminatory.

CONEP: (a) Yes, as long as limits to employers' rights are not imposed.

Poland. CPE: (a) Yes, however one cannot exclude the possible limitation of the right to act as workers' representatives of workers employed for a certain minimum number of hours (to ensure proper representation and identification). (b) and (c) Yes.

Solidarnosc: Yes, the Convention should forbid any exclusion or discrimination based on hours of work.

Portugal. CIP: (a) and (b) No objections; adjustments would be needed to take account of the shorter working time, particularly as regards the right to act as workers' representative (time allowed).

Qatar. (a) Some conditions should be laid down as regards hours of work, work in other establishments or occupations, etc.).

Saudi Arabia. (c) Yes. Discrimination is not acceptable.

Sweden. (Questions 7 to 9) See reply to Question 2. The Preamble to a Recommendation might refer to the relevant Conventions and to their applicability to part-time workers.

LO/TCO: Yes.

Syrian Arab Republic. (a) Part-time workers should enjoy the same protection as other workers but should not have the right to form a separate trade union.

Tunisia. Yes. These are fundamental rights of workers, whatever their status.

United Kingdom. (c) Yes, in accordance with appropriate national laws and practices.

CBI: (a) Yes, in accordance with national law and practice. (c) This point would be better dealt with in the Recommendation, given the widely differing nature of national legislation on discrimination.

TUC: (a) Yes. (b) The protection regarding these matters should be adequate. (c) The protection against discrimination should be effective.

United States. USCIB: No. This is a matter for a general guideline in a Recommendation to be implemented on the basis of the local situation in accordance with national law and practice.

A clear majority of replies to this question were in the affirmative. Several pointed out that it dealt with basic principles for all workers, irrespective of their status and hours of work and that part-time workers should not be subject to any discrimination in these areas. Other replies advocated extending the protection envisaged to other areas such as training and career advancement, access to works insurance schemes and protection against overtime and an excessive workload. As some of the proposed additions seemed likely to impede ratification of the Convention, the Office did not feel they should be retained.

Some replies specified that it should be possible to take into account the shorter hours of part-time workers in a number of specific cases or to make certain adjustments, especially as regards the right to act as a workers' representative and the time-off allowed for this purpose. According to one reply, it should be possible to treat aspects of occupational safety and health differently, apart from protection against employment injury — as for example in the case of periodical medical examinations.

It should be pointed out that providing part-time workers with the same protection as other workers does not imply that the same measures apply exactly in all cases. Although — more particularly in the case of (a) — the need to formulate an instrument providing real protection has been stressed, the fact remains that the problem of part-time workers is much more one of obstacles impeding the exercise of their rights than the recognition of these rights. This concern is related to that already raised under Question 2 concerning the application of the ILO's existing standards. The wording of the corresponding Point has been amended to take account of these comments and therefore provides for the adoption of measures to identify and eliminate the obstacles which may prevent part-time workers from enjoying in practice the protection accorded to all workers in the areas in question.

Finally, to simplify the text, the Office proposes limiting the wording of clause (c) to the principle of non-discrimination in employment and occupation, without listing the grounds for this discrimination *(Point 7)*.

Qu. 8 *Should the Convention provide that the rates of remuneration of part-time workers should be determined without discrimination based on their shorter hours of work?*

Total number of replies: 55.

Affirmative: 43. Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Greece, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malta, Morocco, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 7. Argentina, Ireland, Japan, Malaysia, Panama, Qatar, United Kingdom.

Other: 5. Mexico, Netherlands, Sweden, Tunisia, United States.

Australia. Yes. Part-time workers should receive, on a pro rata basis, the same pay and conditions as full-time workers. The issue of rates of remuneration also encompasses broader matters, such as access to training and career prospects. Where casual workers are not eligible to receive similar pro rata remuneration, they should be entitled to receive equitable benefits compensating them for the loss of such benefits as annual, sick, maternity and long-service leave. In addition, it is necessary to ensure that part-time and casual workers do not experience discrimination with regard to superannuation cover.

ACCI: No. There may be valid reasons, such as costs associated with part-time workers, or the ability or productivity of part-time workers, which might lead to different treatment in respect of remuneration. In general, remuneration should be fixed through decentralized negotiations which would make it possible to take all relevant factors in account.

Austria. Yes. For the same work, part-time workers should receive the same minimum hourly wage as their full-time fellow workers.

Bahrain. CCIB: No.

Belgium. Yes. The rule of the proportionality of part-time workers' remuneration should be laid down in the Convention.

Chile. Yes. The remuneration should be proportional to the time worked. Provided that there is no discrimination and that there is a guaranteed minimum, the remuneration should be fixed freely.

Colombia. CGTD: Yes.

Congo. Yes. It should be provided that the hourly or monthly rates of pay for part-time workers ought to be the same as those for full-time workers.

Gabon. CGSL: Yes.

Germany. Yes. Part-time workers should in principle have the right to proportionately the same remuneration as full-time workers. The employer should not be able to negotiate lower pay for a part-time worker than for a full-time one except on the basis of a valid criterion, such as longer experience.

BDA: Yes, in principle, provided that the part-time workers' lower contribution to the success of the enterprise can be reflected.

DGB: Yes.

Ireland. No. The rates of pay cannot be regulated by statute on the lines proposed.

ICTU: Yes.

Italy. The Italian Constitution lays down the principle of proportionality. However, some elements of the remuneration which are related to the person and to the nature of the occupation and certain benefits (e.g. reimbursement of travel costs) cannot be reduced proportionately.

CONFINDUSTRIA: Yes, on the basis of the proportionality criteria.

UIL: Yes.

Japan. No. The determination of wages should be left to labour and management.

Malaysia. No. The rates of remuneration should be fixed by agreement.

Mexico. Yes, provided that this does not give rise to discrimination vis-à-vis full-time workers.

CONCAMIN: Yes.

Netherlands. In principle, yes, but the Convention should define what is meant by "remuneration" or else should leave it to national law and practice to define the meaning.

RCO: Yes, but the determination of the remuneration should be negotiated by the employer and the employees or their representatives, taking into account the basic principle of equal treatment.

FNV: Yes. There should be equal treatment for part-time work. The scope of this equality should be defined by national law and practice. In some cases pro rata remuneration is adequate; for other components of the remuneration (e.g. financial compensation) the factual situation requires full remuneration.

Panama. No. This is a matter to be determined by national laws and regulations.

CONEP: This should be a matter for negotiation between the parties.

Papua New Guinea. Yes. The normal hourly rate should apply, without discrimination.

Poland. CPE: Discrimination against part-time workers in the matter of remuneration should be declared unlawful, as is already the case under other ILO instruments.

Portugal. CIP: No, the Convention should not deal with remuneration, for this is a matter to be negotiated between the social partners.

Romania. The remuneration of part-time workrs should be fixed in proportion to hours of work.

FRATIA: No. Provision should be made for exceptions in respect of certain categories of workers, e.g. pregnant women and working mothers.

Saudi Arabia. Yes, for equivalent jobs.

Spain. Yes, pro rata to the hours worked.

Sri Lanka. The remuneration should be proportional to the number of hours worked or to the volume of output (piece-work).

Sweden. LO/TCO: Yes. Remuneration questions are best handled through collective agreements but it is reasonable for the Convention to state that there must be no possibility of part-time workers being systematically underpaid.

Tunisia. The Convention should provide that part-time workers' remuneration should correspond to that of equally skilled workers who perform an equivalent full-time function in the establishment, with due allowance for the hours worked and the length of service.

Turkey. Yes. Actual hours of work performed are an essential component in determining the wages of either full-time or part-time employees.

United Arab Emirates. As the hours of work of part-time workers are shorter, their remuneration should be proportionately less.

United Kingdom. No, the employers should be free to determine what rates of remuneration are appropriate, provided that they do not discriminate on grounds of sex, race or trade union membership. See also the replies to Questions 6 and 9.

CBI: No. This is a matter for employers to determine, taking into account the existing legislation. While many companies apply pro rata rates of remuneration, in many other cases extra costs incurred by the employment of part-time workers, e.g. costs of training, items of personal equipment or reduced machine utilization, can justify differences in treatment.

TUC: Yes. Employers should be prevented from discriminating against part-time, temporary and casual workers, who should be paid at the same rates as are applicable to full-time or permanent employees.

United States. In the United States the federal statute law makes no distinction between full-time and part-time workers so far as minimum wages are concerned.

USCIB: No. The pay rates for part-time work are set on the same basis as for full-time jobs: they are based on the labour market and on internal pay systems. Any increases in costs that would flow from the provision contemplated in the question would have the effect of reducing the number of part-time jobs and possibly of reducing the number of full-time jobs.

Uruguay. Yes. The remuneration of part-time workers should be at least proportional to the number of hours worked.

Employers: No.

Venezuela. Yes, according to the principle of proportionality.

A majority of replies to this question were affirmative, often invoking the need to grant part-time workers proportional remuneration in respect of the number of hours worked or the volume of work performed.

Several replies drew attention to the fact that it should be possible for remuneration to be determined freely or to be solely a matter for bargaining between the parties, or decided by employers alone, depending on the labour market and system of remuneration. It should be pointed out that the measure suggested in no way conflicts with the determination of pay rates by means of collective or other agreements or even by other systems, provided that there is no discrimination on the basis of the part-time workers' shorter hours.

Other replies commented on various components of renumeration, specifying that some should be paid in full, not proportionally. Some replies, especially those from employers' organizations, ephasized that the costs associated with part-time work and other factors, such as less experience or the fact that part-time workers contributed less to the success of the enterprise, might justify different treatment with respect to pay.

When drafting *Point 8* of the Proposed Conclusions, the Office sought to clarify the text in order to avoid any confusion between the basic, hourly or other rates of remuneration referred to and that actually received which also

includes financial compensation, premiums and various bonuses based on factors such as length of service or the period of the day or week in which the work is carried out, and which are dealt with under Question 18. In accordance with the approach explained concerning Question 7, *Point 8* proposes the adoption of measures to identify and eliminate any differences that might exist in unit wage rates to the detriment of part-time workers.

Finally, the Office supplemented this Point to take account of the suggestion of two governments to specify that equality of treatment between part-time and full-time workers in respect of unit wage rates concerns cases in which these two categories of workers perform work of equal value.

Qu. 9

(1) Should the Convention provide that part-time workers should receive equivalent or, where appropriate, proportional treatment in comparison to other workers in the branch or establishment concerned in respect of:

(a) statutory social security schemes, including those providing old-age, invalidity and survivors' benefits; maternity benefits; medical care and sickness benefits; employment injury benefits; unemployment benefits; and family benefits?

(b) maternity protection, including maternity leave, health protection of the mother and child, transfer to more appropriate work, protection against dismissal and income maintenance?

(c) termination of employment, including a valid reason for dismissal, a right of appeal against dismissal and a reasonable period of notice or pay in lieu thereof?

(d) paid annual leave and paid public holidays?

(e) other areas? (If so, please specify.)

(2) Should the Convention provide that a Member may exclude from the scope of any of the measures in question (1) above part-time workers whose hours of work fall below a specified limit, provided that this limit may not be more than eight hours of work per week on average?

(3) Should the Convention provide that a Member that avails itself of the possibility in question (2) above should, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the measures in question (1) in respect of which certain part-time workers are excluded, the number of hours below which coverage is not provided in each case, the reasons for these exclusions and the action taken to progressively extend these measures to such workers?

Paragraph 1 (a):

Total number of replies: 52.

Affirmative: 36. Australia, Austria, Barbados, Canada, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Finland, Germany, Greece, Italy, Kuwait, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 1. Japan.

Other: 15. Argentina, Bahrain, Belarus, Belgium, Bolivia, Burundi, Denmark, Jordan, Malta, Papua New Guinea, Romania, Sweden, Syrian Arab Republic, United Kingdom, United States.

Paragraph 1 (b):

Total number of replies: 53.

Affirmative: 36. Austria, Barbados, Burundi, Canada, Chile, China, Cuba, Cyprus, Czechoslovakia, Finland, Germany, Greece, Italy, Jordan, Kuwait, Malaysia, Malta, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 3. Japan, Mexico, United Kingdom.

Other: 14. Argentina, Australia, Bahrain, Belarus, Belgium, Bolivia, Congo, Denmark, Ireland, Papua New Guinea, Romania, Sweden, Syrian Arab Republic, United States.

Paragraph 1 (c):

Total number of replies: 53.

Affirmative: 36. Austria, Barbados, Burundi, Canada, Chile, China, Cuba, Cyprus, Czechoslovakia, Finland, Germany, Greece, Italy, Jordan, Kuwait, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 2. Japan, United Kingdom.

Other: 15. Argentina, Australia, Bahrain, Belarus, Belgium, Bolivia, Congo, Denmark, Ireland, Malta, Papua New Guinea, Romania, Sweden, Syrian Arab Republic, United States.

Paragraph 1 (d):

Total number of replies: 52.

Affirmative: 35. Austria, Barbados, Canada, Chile, Cuba, Cyprus, Czechoslovakia, Finland, Germany, Greece, Italy, Jordan, Kuwait, Malaysia,

Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 2. Burundi, United Kingdom.

Other: 15. Argentina, Australia, Bahrain, Belarus, Belgium, Bolivia, Congo, Denmark, Ireland, Japan, Malta, Papua New Guinea, Romania, Sweden, United States.

Paragraph 1 (e):

Total number of replies: 16.

Affirmative: 8. Australia, Cuba, Germany, Islamic Republic of Iran, Netherlands, Poland, Spain, Uruguay.

Negative: 8. Burundi, Cyprus, Ireland, Mexico, New Zealand, Panama, Sri Lanka, Venezuela.

Paragraph 2:

Total number of replies: 52.

Affirmative: 22. Argentina, Australia, Bahrain, Belarus, Bolivia, Burundi, Congo, Ireland, Jordan, Kuwait, Mexico, Morocco, Netherlands, New Zealand, Poland, Saudi Arabia, Slovenia, Sudan, Sri Lanka, Suriname, Swaziland, United Arab Emirates.

Negative: 11. Austria, Chile, Cuba, Czechoslovakia, Germany, Greece, Islamic Republic of Iran, Italy, Panama, Spain, Uruguay.

Other: 19. Barbados, Belgium, Canada, Cyprus, Denmark, Finland, Japan, Malaysia, Malta, Norway, Papua New Guinea, Portugal, Qatar, Sweden, Syrian Arab Republic, Tunisia, United Kingdom, United States, Venezuela.

Paragraph 3:

Total number of replies: 48.

Affirmative: 34. Australia, Austria, Bahrain, Barbados, Belarus, Bolivia, Burundi, Canada, Congo, Cyprus, Finland, Germany, Ireland, Jordan, Kuwait, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Sri Lanka, Sudan, Swaziland, Turkey, United Arab Emirates, Uruguay.

Negative: 5. Argentina, Japan, Malta, Spain, Syrian Arab Republic.

Other: 9. Belgium, Czechoslovakia, Denmark, Islamic Republic of Iran, Sweden, Tunisia, United Kingdom, United States, Venezuela.

Argentina. (1) Yes, proportional treatment, especially for the benefits in (a).

Australia. (1) (b) to (d). Yes, except for casual workers in the case of maternity leave, protection against dismissal, paid annual leave and paid public holidays. (e) Yes. All the rights of full-time workers should be granted to permanent part-timers on a pro rata basis. It is also important to ensure that permanent part-time employees have access to training and are encouraged to undertake training. This may require the development of training that will accommodate their needs and hours. Different considerations arise in relation to casual workers. Nevertheless, it is desirable that they should receive broad-based training which will be recognized in future employment and that mobility should be possible from casual to permanent employment. (2) and (3) Yes. Such provisions would allow countries whose employment rights do not cover persons working below prescribed limits to ratify the Convention and to take action to extend employment rights to such employees gradually. However, under no circumstances should occupational health and safety issues, such as health protection of the mother and child, be compromised.

ACCI: (1) (a) to (d). Yes. (2) Yes, but the proposed limit of not more than eight hours of work per week is too low. (3) Yes.

Austria. (2) If part-time workers receive proportional or equivalent treatment, it would not seem justified to exclude workers who work less than eight hours per week from the protection given to part-time workers since this would entail the risk of employers arranging the work schedule so that working hours fall below that limit. (3) Yes, if a provision as described in (2) were adopted.

BAK: (2) No, this might lead to indirect discrimination against women.

Bahrain. (1) Part-time workers should receive, where appropriate, proportional treatment to that of other workers, but not equivalent treatment.

CCIB: (1) (a) to (d) Yes.

GCBW: (1) (a), (b) and (d) Yes.

Barbados. (2) Yes, except for the protection referred to under (1) (b) and (c). Allowance should be made for countries whose national laws set limits in terms of days worked or wages earned.

Belarus. (1) (a) to (d) The Convention should provide for compensation on a proportional basis.

Belgium. (1) (a) On proportional, not equivalent, terms. (b) to (d) The Convention should confine itself to guaranteeing the principle of equal treatment in respect of maternity protection, termination of employment and leave. More specific questions and the manner of dealing with them should be left to the Recommendation since otherwise rights might be introduced that are not necessarily recognized for full-time workers (such as the requirement of a valid reason for dismissal in certain countries). (2) Certain essential principles should be guaranteed for all (maternity protection, for example). For social security, thresholds that may differ according to their purpose will have to be introduced. (3) The exclusions would have to be justified. Since, however, some of these exclusions will be of a permanent nature, it will not be possible to indicate the action taken to progressively extend the measures in question.

Bolivia. (1) These measures should be optional. It is up to each member State to provide the social security schemes proposed after consulting employers' and workers' organizations.

Burundi. (1) (a) On condition this is in line with national laws and regulations.

Canada. (1) (b) Yes. Bereavement leave, parental leave and family responsibility leave should also be included. (2) Yes to the possibility of exclusion but hours of work should not be the sole criterion. With respect to paid benefits such as pensions, income levels would be a better criterion. Other factors that are already established in practice, such as duration of employment, may also need to be considered. Greater flexibility should be provided, allowing for exclusion based on hours of work, earnings, or other relevant factors. (3) Yes, in so far as hours of work are only one of the possible criteria.

Chile. (1) Part-time workers should enjoy the same protection as full-time ones concerning social security and rights deriving from the contract of employment. (2) No

part-time worker should be excluded from the benefits mentioned in paragraph (1). Exclusion based on a reduced number of hours of work would be discriminatory and might encourage the hiring of workers for hours below the prescribed limit.

Colombia. CGTD: (1) (a) to (d) Yes. (2) Short-duration work schemes and working schedules of less than eight hours should not be allowed.

Congo. (1) (a) Some benefits — such as those for employment injury — should be equivalent. Others, such as old-age and survivors' benefits, should be proportional. (b) to (d) Proportional treatment.

Cuba. (1) (e) Yes (protection of part-time workers by the labour inspection services). (2) There should be no exclusions.

Cyprus. The proposed limit of eight hours on average is very low. It would be preferable if this limit related to a proportion of normal hours of work (one-third).

Czechoslovakia. (3) Only if the reply to paragraph (2) is affirmative.

Denmark. (1) Yes, but the provision should be formulated in general terms so that the details are regulated in the Recommendation. (2) Workers' compensation and some social security benefits have no minimum working time limits. In other cases, eight hours may be too low a limit. The limit should be adapted to conditions in the field concerned. (3) Yes, but the long-term abolition of the limit should not be a condition.

LO: (2) Some limit is appropriate, but not necessarily eight hours per week. Certain statutory social security schemes, such as those relating to work accidents or diseases, should not be covered by a general exclusion rule.

Finland. (1) (a) to (d) Yes. See also under Question 7. (2) A degree of flexibility at the national level should be allowed. An alternative could be to define the limit as a percentage of normal hours of work.

Gabon. CGSL: (1) (a) to (d) Part-time workers should receive proportional treatment to that of other workers in the branch or establishment concerned. (e) Yes (access to trade union and vocational training, paid educational leave). (2) No. (3) Yes.

Germany. (1) (a) Yes. Old-age, invalidity and retirement benefits should be based, for both full-time and part-time workers, on actual earnings. (e) Yes: general equality of treatment for part-time workers, unless there are substantial reasons for treating them differently. (2) No. The limit of eight hours of work per week is too rigid as regards statutory sickness insurance. More generally, the provision for Members to exclude workers whose hours of work fall below a limit such as eight hours should be avoided as this would probably constitute unjustifiable indirect discrimination against women, who form the majority of such workers in most countries. (3) Yes, if the Convention allows such exceptions.

BDA: (1) (a) and (b) Yes, in principle. Rights and benefits may also depend on minimum working time, on threshold values or on qualifying periods. (c) Yes, in principle, although particular circumstances may justify the dismissal of a part-time worker before that of a full-time worker. (d) Yes, in principle. (e) No. (2) The limit should be fixed by each Member, with the possibility of fixing different limits in different sectors. (3) There should be a duty to report but not to progressively extend such measures to workers who are excluded.

DGB: (1) (a) to (d) Yes. (2) No, since this would recognize unprotected employment relationships. (3) Yes.

Islamic Republic of Iran. (1) (e) Yes (suspension of the contract of employment, protection against arduous and dangerous work). (2) No, as this would raise a number of practical difficulties.

Ireland. (1) (b) to (d) Equitable rights should be available to all categories of employees in relation to the benefits and rights arising from labour protection legislation.

ICTU: (1) (a) to (d) Yes. (e) Yes (training, promotion, work experience, bonuses, incentive payments, etc.).

Italy. (1) Part-time workers should enjoy all the guarantees available to full-time workers. (2) The standards should not apply only to workers who work more than eight hours per week.

CONFINDUSTRIA: (1) (a) Yes, on a proportional basis. (b) to (d) Yes. (2) and (3) Yes.

UIL: (1) (a) Equivalent treatment in respect of certain benefits (medical care and family allowances). (b) to (d) Yes. (2) and (3) Yes.

Japan. (1) (a) No. Provision should be made for these matters to be determined according to the law and practice of each member State. In particular, some difference may be established in the social security system, within reasonable limits, according to the length of working hours and the form of employment, since otherwise full-time workers would be at a disadvantage. (b) No. As regards maternity protection, matters other than the necessary minimum should be left to negotiation between labour and management, and should be limited to those matters to be protected by the laws and regulations of each member State. Income maintenance should not be advocated in a Recommendation. (c) No. These are matters to be dealt with under the legal system of the respective member States. (d) Paid annual leave should be granted on a proportional basis to those whose annual working days are above a certain level. Paid public holidays should not be prescribed uniformly. (2) Such a provision would help to make the instrument responsive to the diversity of situations in member States. However, such a limit cannot be set uniformly as the question of the range of workers to be excluded should be settled according to the measures concerned. Criteria additional to hours of work should be taken into account. Therefore, exclusion should be permitted even of workers whose hours of work are longer than a specified limit, on the basis of their form of employment (whether regular or temporary), their annual earnings or other factors. (3) No. Exclusion from certain measures may be based on the essential nature of the measure, so progressive contraction of the scope of the exclusion may not be possible.

RENGO: (1) (a) to (d) Yes. (e) Yes (coverage of part-time workers by the enterprise's welfare facilities and services). (2) No discrimination should be made on the basis of working hours for the matters referred to in clauses (b) and (c). (3) Yes.

Jordan. (1) (a) Yes, in accordance with national legislation.

Malta. (1) (a) Yes, in proportion to the contribution made. (b) Maternity protection should be the same. Entitlement to maternity leave should be afforded to part-timers who work for an average of 20 hours a week. (c) The same protection against termination of employment as that granted to a full-time (not casual) employee. (d) Proportional entitlement for regular part-time employees. (2) The limit should be set at 20 hours in respect of maternity and annual leave.

Malaysia. (2) Yes, but the limit should be higher (e.g. 16 hours of work per week on average).

Mexico. (1) (b) No, such a provision might lead to discriminatory practices by employers or to possible abuses by workers.

CONCAMIN: (1) (a), (2) and (3) Yes.

Netherlands. (1) (e) Yes (information and consultation of workers' representatives where they exist). (2) Yes. Given the possibility in Question 4 (1) of excluding certain categories, a limit of eight hours per week seems to be sufficient. The Government of the Netherlands Antilles considers that a limit of eight hours might be too low. The Government of Aruba does not favour any limit at all.

RCO: (1) Yes, but it should be possible to deviate from the principle of equivalent or proportional treatment if objective reasons so require. (a) Yes, but existing thresholds should be maintained (unemployment benefits, for instance). (b) Yes, with the exception of transfer to more appropriate work which cannot be guaranteed unless such work is available. (c) Yes, see under Question 4 (1) regarding the exclusion of household and other workers. (d) Yes, on the basis of proportionality. The rules in respect of paid public holidays should be the same as those for full-time workers.

FNV: (1) (e) Yes (information and consultation of workers). (2) and (3) For the reason given in reply to Question 4, the Federation is opposed to any exclusion on the basis of the number of hours of work. The Convention should only provide for exclusion for a limited period of time (for example, ten years) and should forbid the introduction of exclusions where they do not exist so far.

New Zealand. (2) Yes, except as regards (1) (c) and (d).
NZEF: (2) Yes. (3) No.

Nicaragua. ATC: (1) (a) to (d) Yes.

Norway. (2) Norwegian law has no definition of part-time work. Some rights, such as unemployment, sickness and maternity benefits, are dependent on earning levels. Problems might therefore arise if instruments established requirements based on a formal definition of part-time work as that performed by persons working certain hours only.
LO: Yes.

Panama. CONEP: (1) (a) and (b) On a proportional basis for some benefits (old-age, invalidity and survivors' benefits, maternity benefits, sickness benefits, and benefits in respect of employment injury). Medical care cannot be provided proportionately. Unemployment and family benefits raise a number of issues relating to the cost for the former and the possible contribution by another family member for the latter. (c) and (d) In the case of a contract without limit of time, proportional benefits for annual leave and public holidays. (2) Yes.

Papua New Guinea. (1) and (2) The measures would give rise to certain problems since workers who have been in continuous employment for less than three months are not entitled to the protection granted by the law in these areas.

Poland. CPE: (1) (a) Social security benefits should be paid in proportion to the work time and contributions. However, provision can be made for additional criteria of minimum work time. (b) Equivalent treatment. (c) Different treatment of part-time workers as regards employment protection can be allowed but the right of appeal must be guaranteed.
Solidarnosc: (1) (c) Yes, but there must be protection against discrimination on the grounds of trade union membership and activity as well as against any other action detrimental to employment apart from dismissal. (e) Yes (access to training and promotion). (2) Yes, with the exception of the measures under (1) (c), including protection against anti-union discrimination, basic social security benefits, maternity protection and training if their proportional applicability is feasible.

Portugal. (2) Application of the measures envisaged under (1) might be difficult in the case of employees working very few hours. The proposed limit should be considered very thoroughly.
CIP: (1) (a) to (d) No. These are matters for the member States and should appear neither in a Convention nor a Recommendation.

Qatar. (2) The limit should not be less than two normal working days per week.

Romania. (1) The protection afforded should be in proportion to the number of hours worked.
FRATIA: (1) (a) to (d) Yes. (2) and (3) As appropriate.

Slovenia. (1) (a) Proportional treatment. (b) to (d) Equal treatment.

Spain. (1) (e) Yes (probationary period, change in conditions of work). In general, there should be proportional treatment for all aspects of conditions of work.

Sri Lanka. (1) (a) to (d) Treatment should be proportional except in the case of protection against dismissal, where equivalent treatment is necessary.

Sweden. LO/TCO: (1) (a) to (d) Yes. (2) No exclusions should apply concerning basic rights and benefits such as employment injury and health insurance, although a limit may be necessary in respect of entitlements such as partial pension. (3) Yes.

Syrian Arab Republic. (1) (a) They should be covered by national social security law. (b) and (c) Dismissal should be governed by the national legal provisions in force. (2) The limit should not be more than 12 hours on average.

Chamber of industry: (1) (a) to (d) Yes. (e) Yes (weekly rest, sick leave when sickness is not covered by social insurance). (2) No.

Tunisia. (1) Equivalent terms. In the case of social security benefits, entitlement to these terms should entail the same system applying for workers' and employers' contributions. (2) and (3) The Government would like part-time work to be defined in relation, inter alia, to a minimum threshold for working hours. Eight hours is not a suitable threshold.

Turkey. (1) (a) Proportional treatment in respect of cash benefits.

United Kingdom. (1) The terms of any instrument dealing with part-time workers' employment rights must not be less favourable, pro rata, than the rights available to full-time workers; otherwise there might be deemed to be indirect discrimination on the grounds of sex. (a) It would be inappropriate for part-time workers to receive equivalent treatment in these areas when the relevant contributions are paid as a proportion of earnings. A standard contribution by all workers, regardless of hours or remuneration, would have a strong disincentive effect. Proportional payment would be impractical to operate where unemployment benefit is paid at a standard rate, as in the United Kingdom. The numerous problems involved are liable to complicate and seriously affect the whole of the contributory benefits system and act as a disincentive to part-time work (extra costs, increased contributions, limits on hours of work in connection with the main income-related benefit, etc.). (b) to (d) No, because this would be inconsistent with the approach set out in answer to Question 1, would add to the burdens on business and would reduce employment opportunities. While some rights apply to all, others, such as the right to return to work following maternity absence or the right not to be unfairly dismissed, may apply only to persons working a certain number of hours. Each country should be able to set hours and/or earnings thresholds for maternity benefits in the light of its own labour market conditions and social security system. Annual leave and paid public holidays are matters to be negotiated between employers and workers. (2) The hours threshold should be set by the country concerned. (3) The member State should report only on any changes made.

CBI: (1) (a) No. The additional costs and administration involved would discourage some employers from offering part-time work and employees from accepting it. (b) to (d) These provisions should be placed in a Recommendation. They are not practical in all circumstances and might adversely affect smaller firms. (2) The Convention should provide for exclusions without referring to specified limits. (3) Yes.

TUC: (1) (a) to (d) Yes. (2) No to the exclusion and to an eight-hour limit. Part-time, temporary and casual workers should be afforded the same rights as full-time workers on a pro rata basis. (3) No.

United States. In many social security systems, benefits such as those in respect of old age, invalidity and survivors are based on earnings-linked contributions. It is essential that the link between contributions and benefits be maintained. Social security benefits provided to part-time workers should be proportional to their earnings level or length of work. Under the United States social security programme the conditions of entitlement are the same for part-time as for full-time workers. There is, however, an earnings threshold which has been set low enough for a person with a reasonable attachment to the workforce, even on a part-time basis, to qualify for benefits.

USCIB: (a), (b) and (d) No. See also reply to Question 8. (c) No. This requirement would undermine the flexibility inherent in part-time work, and would launch a litigation explosion in the United States. (2) Yes. Exclusions should be provided for but the limit should be determined on the basis of national, industry and local conditions and not defined in the instrument. (3) No, for the reasons given in reply to paragraph (2).

Uruguay. Employers: (1) (b) Yes, except transfer to more appropriate work. (c), (d) and (e) No.

Venezuela. (2) The limit should be 15 or 16 hours per week. (3) The exclusions based on this limit as a result of social security costs should be indicated in the first report under article 22. The Government does not believe that the measures should be applied progressively.

All the measures considered in paragraph (1) of this question received a majority of affirmative replies.

Following the suggestion made by one government in connection with Question 14 that a distinction be made between protection in respect of social security and that in other areas, the two types of questions covered by clauses (a) and (b) to (d) respectively are the subject of separate Points in the Proposed Conclusions. The distinction does indeed seem important since the questions in clause (a) involve the obligation to pay contributions and concern not only employers and workers but also the competent social security institution or institutions.

A few replies considered that the text of the measures dealt with in paragraph (1) should be worded more generally since the Convention should be confined to principles. This would also avoid the risk of granting part-timers rights not enjoyed by full-time workers — for example, in the case of transfer to more appropriate work in the context of maternity protection. It is true that all the types of social security schemes and protective measures listed in clauses (a) to (c) do not necessarily exist in all countries. To take account of this observation and in the interests of simplification, the text of the corresponding Points in the Proposed Conclusions merely lists the areas of protection without specifying the various schemes or measures they may cover.

Some of the replies to clause (a) drew attention to the fact that not all social security benefits could be calculated on a proportional basis and that some should be equivalent to those paid to other workers as, for example, in the case of medical care. Other replies emphasized that hours of work are not the only criterion to be used in calculating proportional benefits and that it must be possible to use other criteria such as the amount of earnings or of contributions. The Office worded the corresponding Point in the Proposed Conclusions so as to provide for equivalent conditions, it being understood that these conditions might be determined in proportion to hours of work or contributions *(Point 9)*. This wording appears sufficiently flexible to enable member States to determine cases in which part-time workers would enjoy equivalent conditions and those in which these conditions would be determined on a proportional basis, calculation on the latter basis being in fact a way of ensuring equivalence. The provision emphasizing that statutory social security schemes should be adapted is based on Article 25 of the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and on the approach followed in connection with Questions 7 and 8. This is because otherwise, although it might appear that applying to part-time workers the provisions prescribed for full-timers guarantees equivalent protection, in actual fact this may result in discrimination, especially against women, many of whom work part time. Lastly, the Office deemed it advisable to specify that the statutory social security schemes in question are of course based on occupational activity.

As regards maternity protection, termination of employment and the paid annual leave and paid public holidays referred to in clauses (b) to (d), several replies rightly emphasized that part-time workers should enjoy the same protection as other workers and consequently equivalent rather than proportional conditions. Proportional treatment does in fact aim at ensuring equivalent conditions for both categories of workers and it is necessary in the case of pecuniary benefits paid, for example, as income maintenance for women on maternity leave, as severance pay or as income maintenance during paid annual leave and paid public holidays. The Office has therefore worded the corresponding Point in the Proposed Conclusions to take account of this observation and to specify that entitlements might be determined in proportion to hours of work or earnings *(Point 10)*. In accordance with the approach followed in connection with Questions 7 and 8 and clause (a) above, the Office has also modified this Point in order to emphasize that measures should be taken to ensure that part-time workers enjoy genuine protection in the areas concerned.

Some countries replied on clause (e) and made suggestions with a view to extending the protection to other areas. The suggestions made by these countries as well as by several workers' organizations and one employers' organization are far-ranging. Many of them concern aspects of conditions of employment dealt with in Part IV of the questionnaire (concerning the content of a Recommendation), such as incentive payments and bonuses; leave other than paid annual leave, such as paid educational leave, leave for personal convenience, parental leave and other leave connected with the exercise of family responsibilities; access to enterprise welfare services and facilities; and access to training and career opportunities. Other suggestions relate to weekly rest, suspension of the contract of employment, protection against arduous or dangerous work and the informing and consulting of workers' representatives. Yet other replies recall that part-time workers should be given general equality of treatment with other workers and all the rights enjoyed by the latter, possibly on a proportional basis, unless there are important reasons to justify different treatment. For a number of reasons the Office has felt unable to take up these suggestions. First of all, some of them seem likely to impede ratification; for example, unlike paid annual leave, other forms of leave are not yet recognized in all countries. Moreover, some of the suggestions would seem to come under the protection referred to in Question 7 which deals with the exercise of trade union rights, safety and health and, in general, non-discrimination. However, it is of course for the Conference to decide on the advisability of introducing broader and more detailed protection into the Convention.

The absence of a majority of affirmative replies to paragraph (2) of Question 9, which provided for the possibility of excluding from the scope of the protective measures in paragraph (1) workers whose hours of work were less than eight per week, must be seen in the light of the reasons given in support of the negative replies or suggestions received. Some of the replies are indeed against any threshold for access to protection since they are opposed to any exclusion that might constitute indirect discrimination against women, who constitute the majority of part-time workers. Other replies, however, are in

favour of a threshold but consider that the limit of an average of eight hours of work per week is too low or too rigid, or else they are in favour of the threshold being established at the national level. Yet other replies are in favour of a threshold and the possibility of exclusion only in certain cases, considering that certain measures must be guaranteed for all; opinions differ considerably, however, regarding the measures in respect of which there should thus be no possibility of exclusion: some replies favour maternity protection or health protection of the mother and child, while others give priority to protection against dismissal, paid annual leave or employment injury benefits. At this stage the Office has felt able to retain only the latter benefits on the understanding that the possibility of exclusion, provided in respect of the other areas, is to be interpreted in the light of Point 4 of the Proposed Conclusions.

Yet other replies suggest replacing the limit of eight hours' work by percentages, while several replies emphasize the need for different thresholds according to the benefits and measures concerned and the aims pursued. Lastly, several replies rightly draw attention to the fact that hours of work is only one criterion among others and that factors such as length of service and earnings should also be taken into consideration.

The Office has considered it necessary to aim at flexible wording of the Point in the Proposed Conclusions (Point 11 (1)) corresponding to paragraph (2) of Question 9 to take account of this latter suggestion and offer an acceptable compromise in view of the frequently conflicting concerns expressed. It thus proposes leaving each country the possibility of excluding from any of the social security schemes referred to under Point 9, except those providing employment injury benefits, and from any of the measures taken in the fields mentioned under Point 10, part-time workers whose earnings or hours of work are below specified thresholds, on the understanding that such thresholds should be sufficiently low not to exclude a significant percentage of part-time workers.

In view of this new drafting, the Office did not feel able to take into consideration the reservations in respect of paragraph (3) expressed in several replies concerning the progressive extension of protection to workers excluded by such thresholds. The Office deemed it necessary rather to make the possibility of exclusion covered by *Point 11 (1)* of the Proposed Conclusions subject to three obligations: first, that of periodically reviewing the thresholds in force; second, that of specifying them to the ILO and stating the reasons for them as well as the action taken progressively to extend protection to the workers excluded *(Point 11 (2))*; and third, that of consulting the most representative organizations of employers and workers on the establishment or revision of the thresholds *(Point 11 (3))*.

Should the Convention provide that part-time work should be encouraged in the framework of a national policy on employment promotion, in particular through: **Qu. 10**

(a) measures to stimulate the creation of part-time jobs, where appropriate through subsidies or other advantages for employers or workers?

(b) mobilization of employment services to identify and develop possibilities for part-time work in their information and placement activities?

(c) schemes that facilitate access to part-time work for the unemployed and for workers with family responsibilities, older workers, disabled workers, workers undergoing education or training and other workers who may prefer such work?

(d) the adaptation of legislation or regulations that may discourage recourse to or acceptance of part-time work, in particular in the field of social security, provided that the protection referred to in Questions 7, 8 and 9 is ensured?

Clause (a):

Total number of replies: 51.

Affirmative: 31. Argentina, Australia, Bahrain, Belarus, Burundi, Chile, China, Cyprus, Czechoslovakia, Germany, Greece, Islamic Republic of Iran, Italy, Japan, Jordan, Kuwait, Malaysia, Mexico, Netherlands, Panama, Papua New Guinea, Poland, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, Venezuela.

Negative: 12. Austria, Canada, Congo, Denmark, Malta, New Zealand, Spain, Sudan, Sweden, Syrian Arab Republic, United Kingdom, Uruguay.

Other: 8. Barbados, Belgium, Finland, Ireland, Morocco, Norway, Portugal, Qatar.

Clause (b):

Total number of replies: 51.

Affirmative: 33. Argentina, Australia, Austria, Bahrain, Belarus, Bolivia, Burundi, Chile, China, Cyprus, Czechoslovakia, Denmark, Greece, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Mexico, Netherlands, New Zealand, Poland, Portugal, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, Venezuela.

Negative: 9. Canada, Congo, Germany, Malta, Panama, Sudan, Sweden, Syrian Arab Republic, Uruguay.

Other: 9. Barbados, Belgium, Finland, Ireland, Japan, Morocco, Norway, Qatar, United Kingdom.

Clause (c):

Total number of replies: 54.

Affirmative: 36. Argentina, Australia, Austria, Bahrain, Belarus, Bolivia, Burundi, Chile, China, Cuba, Cyprus, Czechoslovakia, Germany, Greece, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Mexico, Netherlands,

Panama, Papua New Guinea, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 7. Canada, Congo, Denmark, Malta, New Zealand, Sudan, Syrian Arab Republic.

Other: 11. Barbados, Belgium, Finland, Ireland, Japan, Morocco, Norway, Qatar, Spain, Sweden, United Kingdom.

Clause (d):

Total number of replies: 48.

Affirmative: 32. Argentina, Australia, Austria, Bahrain, Belarus, Bolivia, Burundi, Chile, China, Cyprus, Czechoslovakia, Denmark, Germany, Greece, Italy, Kuwait, Mexico, New Zealand, Papua New Guinea, Poland, Portugal, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 7. Canada, Japan, Malta, Netherlands, Sudan, Syrian Arab Republic, United Kingdom.

Other: 9. Barbados, Belgium, Congo, Finland, Morocco, Norway, Qatar, Sweden, United States.

Australia. Yes, but the promotion of part-time work must not be detrimental to opportunities for full-time employment.

ACCI: Yes. However, subsidies are not an appropriate form of encouragement.

Austria. (a) No, since general job-creation measures conflict with a selective approach, on which labour market policy is based.

VÖI: No objection to such promotional measures.

BGW: (c) Yes.

BAK: Any national measures for promoting part-time work should concentrate on the categories of workers mentioned in (c). The State should not promote part-time work as a general policy.

Barbados. Yes, but not to the detriment of full-time work, which should be the main objective.

Belgium. The development of part-time work should result from free choice, made possible by the absence of discrimination. Social security regulations should remain neutral.

Canada. No. This goes beyond the appropriate scope of a Convention (see the reply to Question 6).

Chile. (a) to (c) Yes, as provided by the Employment Policy Convention, 1964 (No. 122), plus any other measures which Members may consider appropriate to their national social and economic conditions.

Congo. (d) Provision should be made for social legislation to be adapted accordingly.

Denmark. It is the responsibility of the social partners to agree on the fields in which part-time work can be introduced and on which terms it should be performed. (a) Public support will under no circumstances be granted to stimulate the creation of part-time

work. (b) Yes, if the idea is that public employment services should offer the best possible services within the given financial framework. (c) No, if the idea is to impose this on the social partners through legislation.

LO: (d) No.

Finland. (a) to (c) See the reply to Question 6 (b). The issues in question may be more suitable for a Recommendation.

Gabon. CGSL: (a) to (c) Full employment should be aimed at.

Germany. (a) Yes, but policy should aim simply at improving the basic conditions for part-time work, to avoid possible abuses. (b) No. The use of employment services should be voluntary and even for those vacancies which are notified by an employer, the employment service generally has no influence in specifying the working time. (c) Yes, but not through financial incentives for part-time work in preference to full-time work. In addition, part-time schemes combined with part-time skill training schemes should be promoted.

BDA: Encouragement of part-time work is to be recommended.

DGB: Yes, in principle. Part-time jobs should correspond to the needs of both male and female workers. There should be a legal right to part-time work in order to meet family responsibilities, with a right to reinstatement in full-time work. Part-time work should not lead to arbitrary on-call employment. Information should be provided on the adverse implications of part-time work for old-age pensions.

Greece. (a) The Convention should provide for the granting of subsidies to employers.

Ireland. Part-time work can be beneficial for both employers and workers, contributing to the expansion of employment and increased flexibility in the labour market. However, particular consideration must be given to the prevention of exploitation of workers arising out of this increased flexibility.

ICTU: See the reply to Question 6 (b).

Italy. The workers' wishes regarding the resumption of full-time work should also be respected.

CONFINDUSTRIA: (a) These measures might be useful at times but the encouragement of more part-time work is a matter for market forces. (b) to (d) Yes.

Japan. (a) Yes, on the basis that part-time employment should be promoted as necessary in a similar way to that of full-time employment. (b) It should be provided that recourse may be had to any suitable means of identifying and developing possibilities for part-time work according to the national situation. (c) Access to employment in general, not specifically part-time work, should be facilitated for workers undergoing education or training. Part-time work should not be encouraged as a general solution for disabled workers, since full-time work facilitates their occupational independence and stabilizes their employment. It should be provided that for workers who prefer part-time work, their participation therein should be facilitated by laws and regulations or other means consistent with national conditions and practice. (d) No. Since the laws and regulations of each member State reflect the national situation, the adaptation of laws and regulations should not be prescribed uniformly for the purpose of promoting part-time work.

RENGO: (a), (b) and (d) Yes. (c) Yes, but only for those who prefer part-time work.

Malaysia. (c) Yes. Training programmes might be set up to facilitate access of the categories in question to part-time work.

Malta. No. The ILO should help to promote employment security but should leave it to each member State to decide how this objective could best be attained.

Mexico. (a) Yes, but full-time work should have priority. (c) Yes, but this should not affect opportunities for full-time workers.

CONCAMIN: (a) Yes, through a combination of measures.

Morocco. These measures should appear in the Recommendation.

Netherlands. (a) to (c) Yes. It should be clear that for all the measures mentioned responsibility is not borne by the government alone. This is namely the case for (b) and (c), since the employment services are administered by a tripartite board.

RCO: (a) Yes, but employers are generally against any form of subsidy. (b) Yes, but on condition the employment services treat part-time workers and full-time workers equally. (c) Yes. (d) No, since developments on the labour market show an increased preference by both female and male workers for part-time work.

FNV: (a) The Federation does not unconditionally agree with the affirmative reply of the Government. The creation of part-time jobs should respond to the demands of the workforce. Workers should be able to choose the number of hours of work, as virtually all jobs could be done on a part-time basis. (d) Yes, provided that this does not introduce unequal treatment in other fields.

Nicaragua. ATC: (b) to (d) Yes.

Norway. The increased flexibility and opportunities for adjustment afforded to enterprises by part-time work may have a positive effect on the labour market and on access thereto, but there is a need for a more thorough discussion of the possible negative effects of measures designed to promote part-time work, especially the costs this entails for governments and the disadvantages from the point of view of women's labour market participation and economic independence.

LO: (a) to (c) No.

Panama. (b) No. Such activities should be directed at full-time jobs.

CONEP: (a) No. Job creation cannot be stimulated through subsidies which would be financed, to a large extent, by full-time workers. (b) Employment services do not promote the creation of job opportunities. (d) Yes.

Papua New Guinea. EFPNG: Yes, part-time work should be encouraged as a way of providing employment to a larger number of persons, of giving young people an opportunity to get into the job market and of giving work to people who would otherwise be left out of this market.

Poland. CPE: A national policy on part-time work should be flexible and related to social and economic needs. That is why it is difficult to set the encouragement of part-time work as a constant objective.

Solidarnosc: Yes, but a national policy to promote part-time work should not be encouraged as an alternative to measures against unemployment.

Portugal. (a) These measures might be justified for certain categories of workers such as the handicapped, long-term unemployed or young persons looking for their first job.

CIP: See under Question 9.

Qatar. The following phrase should be added: "where necessary and so required by the public interest".

Romania. FRATIA: (a) to (c) Yes.

Slovenia. League of Free Unions of Slovenia: Yes. In addition, part-time workers should take precedence over others for a second part-time job. Further, the income earned during part-time work should not be lower than the minimum wage, or appropriate financial compensation or assistance should be provided.

Spain. (c) Access to part-time work should be facilitated for any workers who so wish; it should not be reserved for certain categories since this might be considered as discrimination. (d) Yes, the rights referred to in Questions 7 to 9 being pro rata to hours of work.

Sri Lanka. Yes, but not to the detriment of full-time work.

Sudan. Rather than encouraging part-time work, an increase in full-time work opportunities should be encouraged.

Sweden. (c) and (d) See reply to Question 2. A new instrument could advocate schemes to facilitate access to part-time work and the repeal of legislation discouraging recourse to or acceptance of part-time work.

LO/TCO: (a) and (b) No. (c) Yes, in principle. (d) While part-time workers must not have conditions inferior to those of full-time workers, a Convention should not be concerned with whether part-time work is to be generally encouraged at the national level.

Syrian Arab Republic. Chamber of Industry (Questions 10 to 13): Yes.

Tunisia. Yes, but not to the detriment of full-time work and taking account of the possibilities of each member State as regards the measures referred to in (a).

United Kingdom. (a) No. Subsidies or other such measures are neither necessary nor appropriate. They encourage inefficiency within companies and can lead to unfair competition. The advantages of part-time work are clear: more flexibility, the recruitment and retention of key staff, and the possibility for employees to combine family responsibilities with a career. (b) Where appropriate. (c) The opportunities afforded by part-time work to people who would otherwise not be able to work, such as older workers, parents with young children and people with disabilities, are welcomed but hours and days of work, like most other terms and conditions of employment, are matters for employers and employees to settle between themselves. (d) See under Question 9.

CBI: (a) Where appropriate. (b) Yes. (c) Yes, although these categories of workers will not necessarily just be seeking part-time employment though this may be the case for others. (d) See the replies to Questions 7 to 9, which indeed contradict the aims of 10 (a).

TUC: (a) Measures to stimulate part-time jobs should not be given special preference. The aim of an active labour market policy should be to create well-paid and secure employment. (b) The employment services should provide information on part-time work and offer such placements. (c) To the extent that such schemes widen the range of opportunities in the labour market and are not accompanied by restrictions on access to full-time work. (d) Only in the context of an active, employment-oriented, labour market policy. It should not be used simply as a device to reduce the social security entitlements of the unemployed or require them to accept poorly paid, low-quality jobs.

United States. (d) Old-age, disability and survivors' insurance programmes should avoid discouraging part-time employment where possible. However, it is inappropriate to adapt those programmes in major ways for the sole purpose of promoting employment objectives, particularly if this would jeopardize the financial integrity of the programmes or public support for them, for example, by requiring full-time employees to subsidize the social security coverage of part-time employees.

USCIB: (a) No. Part-time employment should be permitted as economic and labour market circumstances dictate. (b) and (c) Yes. (d) No. Standards that have the effect of increasing costs would discourage part-time work.

Uruguay. Employers: (b) Yes. (c) No.
Workers: Part-time work should not be encouraged.

While all clauses of this question received a majority of affirmative replies, several replies were opposed in principle to the promotion of part-time work as a general policy. Some of these considered that the labour market should determine the extent to which part-time work ought to be encouraged. Others added that such a provision was more appropriate to a Recommendation than to a Convention. Notwithstanding these misgivings, in view of the Governing Body's expectation when it placed this item on the agenda of the Conference that both the protective and the promotional aspects of the question would be covered, and of the overall affirmative majority, the provision has been retained.

Many replies made the point that the promotion of part-time work should not be at the expense of full-time work. The context of the provision, which has been revised to strengthen the emphasis on the links between the measures envisaged and employment promotion generally, seems to offer the necessary assurance with regard to the concerns of those countries. The revision of the introduction to the provision also incorporates the principle of freely chosen and productive work to which Question 6 had made reference.

Many reservations were expressed about the proposal in clause (a) of the question to use subsidies or other advantages for employers or workers to encourage the creation of part-time jobs. Accordingly, while the general reference to encouraging the creation of part-time jobs has been retained, the provision does not stipulate how this is to be achieved.

Some replies to the question in clause (b) queried the nature of the role of employment services in developing part-time job opportunities. This is a valid comment and the provision has been amended to refer to the role of employment services in publicizing possibilities for part-time work, rather than developing such possibilities. The restructuring of the introduction to the provision, referred to above, also makes clearer the role of employment services in facilitating access to part-time work.

In relation to the question in clause (c), one government expressed doubts that part-time work was necessarily the appropriate solution for some particular categories of workers, and concluded that participation in part-time work should be facilitated for those workers who prefer it. Another government pointed out that access to part-time work should not be reserved for certain categories. The provision has accordingly been rephrased to make it clearer that the specific groups mentioned are simply examples of categories who may have special needs in relation to such work. The provision is not intended to be at the expense of full-time opportunities, whether for these categories or for other workers.

One government, while agreeing with the principle underlying clause (d) of the questionnaire, cautioned against requiring a substantial revision of social security legislation for the sole purpose of ensuring that it did not discourage recourse to or acceptance of part-time work, particularly if this would mean full-time workers subsidizing the social security coverage of part-time workers. Another government considered that such legislation should not be prescribed uniformly for the purpose of promoting part-time work. The adaptations required, which are expanded upon in *Point 26* of the Proposed Conclusions, will vary according to the existing national social security laws and regulations, but in any case member States would have considerable latitude in determining what adaptations were appropriate to their needs. The adaptations would normally be auxiliary rather than fundamental.

The order of the clauses has been changed to reflect the relative importance of the different measures and the provision, as amended, is included as *Point 12* of the Proposed Conclusions.

IV. Content of a Recommendation

Qu. 11 *If, in reply to Question 2, you considered that the instruments should take the form of a Convention supplemented by a Recommendation, should the Recommendation provide that its provisions should be applied in conjunction with those of the Convention?*

Total number of replies: 51.

Affirmative: 34. Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Burundi, Canada, Chile, China, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, Germany, Greece, Italy, Jordan, Morocco, Netherlands, Norway, Poland, Portugal, Qatar, Romania, Slovenia, Sri Lanka, Sudan, Suriname, Swaziland, Turkey, Venezuela.

Negative: 8. Bangladesh, Brazil, Congo, Hungary, Kuwait, Panama, Tunisia, Zambia.

Other: 9. Chad, Ireland,[1] Japan,[1] Mexico,[1] Myanmar,[1] Papua New Guinea,[1] Syrian Arab Republic,[1] United Arab Emirates, United States.

Barbados. Recommendations should serve as guidelines for implementing Conventions.

Belgium. See Question 2.

Chad. If a Convention were adopted, the Government would not ratify it but would take account of it as if it were a Recommendation.

Chile. Yes, as regards matters not covered by the Convention or which are covered only generally.

Gabon. CGSL: Yes.

Germany. Yes, with the reservation made concerning civil servants.
DGB: Yes.

Ireland. ICTU: Yes.

Japan. RENGO: Yes.

Mexico. CONCAMIN: No.

Netherlands. RCO: Yes, subject to the reply to Question 1.

Nicaragua. ATC: Yes.

Pakistan. PNFTU: Yes.

Panama. CONEP: This would depend on the content of the Convention

Sweden. LO/TCO: Yes.

Turkey. TISK: The adoption of a Recommendation to supplement the Convention could be considered later.

United Arab Emirates. (Questions 11 and 12) Yes if both types of instrument are adopted.

United Kingdom. TUC: Yes.

United States. See Question 2.

[1] Countries recalling that they were in favour of a Recommendation only.

Uruguay. Employers (Questions 11 and 12): No.

Venezuela. Yes. The Recommendation should make the provisions of the Convention more explicit.

As a significant majority of the replies received were in the affirmative, the Office has incorporated the provision in the Proposed Conclusions *(Point 14).*

Should the Recommendation provide that employers should consult the workers' representatives concerned on the introduction or extension of part-time work, the protective and promotional measures that may be appropriate, and the details of rules and procedures applying to part-time work? **Qu. 12**

Total number of replies: 61.

Affirmative: 48. Australia, Austria, Bahrain, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Cuba, Cyprus, Czechoslovakia, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Mexico, Morocco, Myanmar, Norway, Panama, Poland, Portugal, Qatar, Romania, Slovenia, Sudan, Swaziland, Suriname, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Venezuela, Zambia.

Negative: 6. Japan, Malta, New Zealand, Spain, United Kingdom, United States.

Other: 7. Bangladesh, Congo, Denmark, Netherlands, Papua New Guinea, Saudi Arabia, Sri Lanka.

Australia. ACCI: No.

Austria. Yes. This should also be established in the Convention.
BGW: No supplementary consultation rights.
BAK: Provision should be made for the participation of workers' representatives (not only consultation but actual co-determination).

Bangladesh. The consultation should be optional.

Barbados. Yes. Workers should also be consulted where the workforce is not unionized.

Brazil. CNC: No.

Colombia. ANDI: Consultation is important when changes are made to part-time work.

Congo. Prior consultation with workers' representatives and the competent authority if it is planned to introduce part-time work for economic, technical or structural reasons.

Denmark. It would be normal to inform and consult concerning the introduction of part-time work in accordance with national practice. However, the conditions for part-time work should be fixed by collective agreement in the same way as pay and working conditions.

DA: A Recommendation should lay down general objectives. Implementation, including discussions between the social partners on the introduction or extension of part-time work, should take place in accordance with national practice.

Finland. SAK: Yes, this provision should appear in the Convention.

Germany. BDA: The requirement for consultation should not be more exacting for part-time work than for other forms of employment.
DGB: Yes, as regards the conditions of work and employment of part-time workers.

Ireland. ICTU: Yes.

Japan. No. While consultation with workers may be desirable, employers should not be obliged to consult them on matters which are considered subject to the employer's discretion.
RENGO: Yes.

Malta. No. Although desirable, consultation should not be a formal requirement.

Netherlands. Yes, but only on matters for which workers' representatives have to be consulted.
RCO: Yes, where it is usual practice to have such consultations in respect of full-time workers, on the basis of the principle of equal treatment.

Nicaragua. ATC: Yes.

Pakistan. PNFTU: Yes.

Papua New Guinea. There are many situations where consultation is not appropriate. Such consultation should take place with all the parties concerned, including the government.
EFPNG: No. This question should be left to national practice.

Poland. CPE: Consultation should take place only in accordance with existing legislation.

Portugal. CIP: No, because of the disputes which could result from this kind of formal consultation.

Romania. FRATIA: Yes.

Saudi Arabia. Yes, but only for protective measures.

Spain. No. General information and consultation procedures should be followed for matters of interest to workers.

Sri Lanka. Consultation should take place with all the parties concerned, including the government.

Sweden. Yes. In the first instance, the conclusion of collective agreements should be prescribed.
SAF: If and to the extent that obligations of this kind exist in relation to employees generally.

Tunisia. Yes. Consultation is necessary because the introduction or extension of part-time work has a direct effect on working life.

Turkey. TISK: No. Decisions on these issues are for the employers to make. However, information should be given to the workers' representatives.

United Kingdom. No. The Recommendation should encourage consultation in appropriate cases.
CBI: There is no need for legislation applying specifically to part-time workers on this subject and not to full-time workers.
TUC: Yes. Such a provision should be included in the Convention.

United States. (Questions 12 and 13) This should be left to collective bargaining and the socio-economic structure of individual Member countries.
USCIB (Questions 12 and 13): No, this should be resolved in accordance with national law and practice.

There was general agreement in the replies that provision should be made for consultation with workers' representatives on matters relating to the implementation of part-time work, although some replies considered that consultation should be optional, or should be the same as that required in the case of full-time workers.

One government drew a distinction between consultation on the introduction of part-time work at the level of the establishment and the determination of the conditions for part-time work through collective agreements. The question is clearly concerned with consultation at the level of the establishment, which might well include consultation on the practical implementation of provisions in collective agreements concluded at a higher level, and would not affect existing collective bargaining processes.

Two replies proposed that the provision should figure in the Convention. However, there was no broad consensus that details of this nature concerning consultation at the establishment level would be appropriate in the Convention.

The provision has been incorporated in the Proposed Conclusions with only minor drafting amendments *(Point 15)*.

Conditions of work and employment of part-time workers

Should the Recommendation provide that part-time workers should be provided with a written contract or statement of conditions of employment? **Qu. 13**

Total number of replies: 63.

Affirmative: 54. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cuba, Cyprus, Denmark, Egypt, Finland, Germany, Greece, Gabon, Hungary, Indonesia, Ireland, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Morocco, Myanmar, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Zambia.

Negative: 2. Suriname, United States.

Other: 7. Canada, Czechoslovakia, Japan, Malta, Mexico, Netherlands, Sweden.

Australia. Yes, provided that awards are regarded as statements for this purpose. Where there is no award or agreement, a statement would be particularly beneficial.

ACCI: No.

Austria. Yes. It should be stipulated that the extent and scheduling of working time should be agreed in writing, except when agreed at the enterprise level.

VÖI: No, in the interest of flexibility and of the workers themselves.
BGW: Part-time workers should be treated in the same way as full-time ones.
BAK: Yes. This provision should be included in the Convention.

Brazil. CNC: No.

Burundi. Yes, in particular to specify agreed working hours.

Canada. The principle should be that where the practice of written contracts exists for full-time employees, it should also apply to part-time ones.

Colombia. ANDI: Yes.
CGTD: Yes.

Czechoslovakia. Only if the employment exceeds one month.

Gabon. Yes, given the special characteristics of this form of employment.

Germany. Yes, a minimum protective standard requiring documentary evidence of the essential conditions of employment should be introduced to counter the serious shortage of such information available, particularly to part-time workers.
BDA: No, they should not receive more favourable treatment than full-time workers.
DGB: Yes, if there are no collectively agreed provisions in the enterprise.

Italy. Yes, to guarantee respect for standards regulating conditions of employment.

Japan. To the same extent as full-time workers. Furthermore, part-time workers should be provided with a written contract or explanatory notes on employment conditions, where necessary, to clarify their conditions as compared to those of other workers. Only those matters which need special clarification should be prescribed; for other working conditions it should be sufficient to indicate them clearly in accordance with national law and practice.
RENGO: Yes. This provision should be included in the Convention.

Malta. In the case of regular part-time workers, but not for those recruited on a occasional basis.

Mexico. Yes, according to national legislation.
CONCAMIN: Yes.

Netherlands. Only if required for other categories of workers.
RCO: As in the case of full-time workers.
FNV: Yes, and not only for part-time workers.

Nicaragua. ATC: Yes.

Pakistan. PNFTU (Questions 13 to 30): Yes.

Panama. CONEP: This should not be made compulsory.

Poland. CPE: Part-time workers should receive the same treatment as full-time ones.

Portugal. Yes. The contract must stipulate the duration and organization of working time.
CIP: No.

Romania. FRATIA: Yes.

Sweden. To the same extent as for other categories of workers.

Tunisia. Yes, because of the atypical nature of part-time work and in order to define the rights and obligations of both parties.

Turkey. TISK: No, because of the variety of types of part-time work.

Venezuela. Yes. This provision should appear in the Convention.

Some governments and employers' organizations considered that part-time workers should simply receive the same treatment in relation to entitlement to a written contract as full-time workers. The large majority of replies, however, were in the affirmative, with some mentioning in particular the difficulties often faced by part-time workers concerning access to information on their terms and conditions of employment, the possibility of misunderstandings concerning the application to part-time workers of the general conditions of employment, and the importance of clarifying the extent and scheduling of working time. To the extent that collective agreements and standard contracts apply to part-time workers and are made available to them, an additional statement would be needed to cover only those aspects of conditions of employment, such as hours of work, which differ from those of full-time workers.

Two governments suggested that casual or very short-term part-time employment should be excluded. This concern, which was also expressed in various replies to other questions, is dealt with in the discussion of Questions 3 and 4 and in the corresponding Points of the Proposed Conclusions, concerning the definition of a part-time worker and the possibility of full or partial exclusion from the scope of the Convention. As noted above in connection with Point 13, it is proposed that the Recommendation, whose provisions are not mandatory, should apply to all part-time workers.

The Office has incorporated the provision without amendment in the Proposed Conclusions *(Point 16)*.

With regard to the protection referred to in Question 9, should the Recommendation provide that: **Qu. 14**

(a) qualifying periods for eligibility for this protection should be no longer for part-time workers than for other workers?

(b) qualifying minima on income or hours of work for access to such protection should be progressively eliminated?

(c) where qualifying minima on contributions or total hours worked over a specified period apply, part-time workers should be allowed to meet these minima over a longer period?

(d) minimum old-age benefits and flat-rate family allowances should not be reduced for part-time workers?

Clause (a):

Total number of replies: 61.

Affirmative: 47. Australia, Austria, Barbados, Belarus, Bolivia, Brazil, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Italy, Jordan, Malaysia, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Spain, Sudan,

Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates, United States, Uruguay, Venezuela.

Negative: 9. Bahrain, Bangladesh, Burundi, Denmark, Islamic Republic of Iran, Japan, Qatar, Sri Lanka, United Kingdom.

Other: 5. Belgium, Ireland, Malta, Syrian Arab Republic, Zambia.

Clause (b):

Total number of replies: 61.

Affirmative: 36. Australia, Austria, Bangladesh, Belarus, Bolivia, Brazil, Burundi, Chad, Chile, China, Cuba, Czechoslovakia, Gabon, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Morocco, Myanmar, Netherlands, New Zealand, Panama, Portugal, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Sweden, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 15. Bahrain, Canada, Denmark, Egypt, Finland, Ireland, Japan, Norway, Poland, Qatar, Romania, Sri Lanka, Tunisia, United Kingdom, United States.

Other: 10. Barbados, Belgium, Congo, Cyprus, Germany, Malaysia, Malta, Mexico, Syrian Arab Republic, Zambia.

Clause (c):

Total number of replies: 59.

Affirmative: 42. Australia, Austria, Bahrain, Belarus, Bolivia, Burundi, Chad, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Germany, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Portugal, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 8. Brazil, Ireland, Japan, Malaysia, Poland, Qatar, Romania, United Kingdom.

Other: 9. Bangladesh, Barbados, Belgium, Canada, Gabon, Malta, Syrian Arab Republic, United States, Zambia.

Clause (d):

Total number of replies: 59.

Affirmative: 41. Australia, Austria, Barbados, Belarus, Bolivia, Burundi, Canada, Chad, Chile, China, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Malaysia, Morocco, Netherlands, Norway, Panama, Portugal, Qatar, Saudi Arabia, Slovenia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates, Venezuela.

Negative: 12. **Bahrain, Bangladesh, Brazil, Congo, Greece, Japan, New Zealand, Papua New Guinea, Poland, Romania, Spain, United Kingdom.**

Other: 6. **Belgium, Malta, Mexico, Syrian Arab Republic, Uruguay, Zambia.**

Australia. ACCI: (a) and (b) No.

Austria. VÖI: The national systems establishing qualifying minima should not be modified.

Bahrain. GCBW: Yes.

Bangladesh. (a) No. Periods for eligibility and forms of protection should be allowed to differ. (c) As per labour contract. (d) No. It should be possible to reduce these benefits and allowances proportionately in the case of part-time work.

Barbados. (b) This is desirable but should not be mandatory. (c) As long as the qualifying minima are reasonable, there should be no need for part-time workers to be allowed a longer period. (d) Yes. Old-age benefits should not be reduced even if the recipient works part time.

Belgium. A distinction should be made between social security, where minima may be justified, and other questions such as maternity protection and dismissal, where no discrimination is justified.

Brazil. CNT: (a) to (c) Yes.

Canada. (c) There is a point at which the extra costs of contributions by a part-time worker may not be worth the potential benefits.

Chile. Yes. Part-time work should represent neither a disadvantage nor discrimination.

Colombia. ANDI (Questions 14 to 30): Part-time workers should have the same basic rights as full-time workers, with particular consideration being given to special cases.

Congo. (a) Yes, but only if the benefits paid to part-time workers are equivalent to those for full-time workers. (b) Depending on the case.

Cyprus. (b) In as far as these minima do not exist for full-time workers.

Denmark. DA: (c) Perhaps, but in accordance with national practice.
LO: (a) and (b) Yes.

Egypt. Employers: (a) and (d) Subject to collective bargaining.

Finland. (b) No. There appears to be little point in totally eliminating these minima.

Gabon. (c) Yes for old-age pensions. No for the other benefits, in particular in respect of sickness, employment injury and family benefits.
CGSL: (a) and (b) Yes. (c) and (d) No.

Germany. (b) The minimum hours of work for access to unemployment insurance should be retained, as this insurance protects only those persons for whom employment forms the essential basis of their livelihood.
BDA: (a) No: to equate unequal situations is inconsistent with the principle of equality of treatment. (b) to (d) No.
DGB: (a), (b) and (d) Yes. (c) Provision should be made for a qualifying period.

Greece. (d) No. In Greece these minimum amounts are lower for part-time workers.

Ireland. (a) Exclusions may be necessary in the case of part-time work which is occasional or not habitual.
ICTU: Yes.

Italy. CONFINDUSTRIA: The criterion of proportionality should govern all measures in this sphere.
UIL: (a), (b) and (d) Yes.

Japan. No. (a) In view of the diversity of part-time work, qualifying periods for eligibility should not be determined uniformly, but according to the law and practice in each member State. (b) This may hinder the smooth operation of the system and cause imbalance in the treatment of part-time and full-time workers. (c) Given the diversity of part-time work, various methods may be appropriate for applying qualifying minima: the period for meeting these minima should not be extended solely because a person works part time. The provision should therefore make it possible to decide this matter according to national laws and regulations. (d) Family allowances, which form part of the wage structure, are a matter to be decided by negotiation between labour and management and should not be dealt with by the instrument.

Malaysia. (b) Not applicable in the national context. (c) No. Different qualifying periods would be difficult to administer.
MLO: Yes.

Malta. See Question 9.

Mexico. (b) and (d) These provisions would not be acceptable if they affected the interests of full-time workers or the resources assigned for them.
CONCAMIN: (a) and (c) Yes.

Netherlands. RCO: (a) to (c) Access to unemployment benefits may require a longer qualifying period. Thresholds must be maintained if qualifications are based on objective criteria. (d) No. They should be determined pro rata.

New Zealand. (d) No. Such benefits may be subject to income constraints applicable equally to income earned through part-time or full-time work.
NZEF: (b) No, as qualifying minima are appropriate in some instances.

Norway. (b) No. Legal provision is made in Norway for qualifying minima on income.
NHO: (b) No. (d) Not if this results in additional expenditure for employers.
LO: (a) to (c) Yes.

Panama. CONEP: (a) Proportional. (b) No. (c) Yes. (d) Yes, but subject to a longer contribution period as under paragraph 14 (c).

Poland. CPE: See Questions 7 and 9.

Portugal. CIP: (a) and (c) Yes. (b) To be dealt with at the national level by legislation. The Confederation has reservations on this subject because of the problems of social security financing. (d) The matter should in any case be decided by each member State.

Romania. (d) No. These amounts should be proportional.
FRATIA: (b) Depending on the case. (c) Yes. (d) No.

Spain. (d) No. This could be contrary to the contributory schemes applied in many countries.

Sri Lanka. (b) No. Full-time workers should benefit from preferential treatment.

Syrian Arab Republic. The protection of part-time workers should be the same as for other workers. See also under Question 9.
Chamber of Industry: (a) to (c) Yes. (d) No, because it is not fair to apply the same minimum to a worker working eight hours a day and a worker working eight hours a week.

Turkey. TISK: The application to part-time workers of rights conceded to full-time workers will depend on the type of part-time work performed.

United Kingdom. No, as far as statutory protection is concerned, for those rights that require a qualifying period of service. Abolition of the longer qualifying period would

have a detrimental effect on part-time opportunities, especially in small businesses. In addition, some of the points would be perceived as inequitable to full-time workers.

CBI: No.

TUC: (a) to (c) The Congress is opposed to qualifying periods and to qualifying minima on income or hours of work. (d) Yes.

United States. (b) No. Some minimum coverage or contribution requirement under an earnings-related system is appropriate to avoid administratively costly but socially insignificant small benefit payments. (c) Rather than extending the period to meet qualifying minima, threshold requirements should be low enough so that permanent part-time workers earn credit at the same rate as full-time workers. Some threshold requirement may be appropriate to exclude casual employment.

USCIB: No.

Uruguay. (d) Yes for family allowances. Provided minimum hours of work prescribed by national legislation are reached for retirement benefits.

Employers: (b) No. (d) Benefits and allowances should be proportional.

Zambia. (a) and (c) Depending on economic development. (b) A flexible approach should be applied or the intended protection will not be attained. (d) To be left to national practice depending on the social security scheme available (most developing countries have no such schemes).

As in connection with Question 9 in the Proposed Conclusions with a view to a Convention, the Office has decided to include in the Proposed Conclusions with a view to a Recommendation distinct points on statutory social security schemes *(Point 17)* and protection concerning maternity, termination of the employment relationship and paid annual leave and paid public holidays *(Point 19)*.

In these two Points (17 and 19), the Office proposes first to deal with threshold requirements for access to the protection whose elimination was the subject of clause (b). It is in fact the threshold which determines coverage by legislation, which generally results in the obligation to declare workers' employment and its duration and to pay contributions under statutory employment-based social security schemes, which are generally social insurance schemes. A worker who is above this threshold does not necessarily benefit immediately from benefits or the protection established by legislation. A qualifying period is often required (clause (a)) during which, furthermore, qualifying minima on periods of contribution, insurance or employment may also be required (clause (c)). It may be noted, incidentally, that in a number of countries whose legislation establishes qualifying periods, there is no provision at all for thresholds.

The proposal made in clause (b) to progressively eliminate qualifying minima on income or hours of work for access by part-time workers to the protection established by Question 9 reflected the Office's concern at the distortion created on the employment market by the existence of these thresholds. This distortion exists in so far as the distinction thus made between part-time and full-time workers makes the former a less costly and unprotected form of labour. The distortion is even more evident once the threshold has been exceeded since contributions are then due not on the portion of the wage which exceeds the threshold but on the wage as a whole; this may encourage the organization of the working time of part-time workers in such a way that it is or

remains below the said threshold, as was pointed out by one government in reply to Question 9.

In their reply to the question in clause (b), three governments expressed doubts concerning the timeliness of a total elimination of thresholds. According to one of them, the absence of such thresholds would mean that the burden of the payment of social security contributions by part-time workers would not be justified by the benefits which they might expect; this observation would justify an adaptation of the qualifying period, it being understood that the contributions proportional to earnings would also be reduced for these workers. The argument in favour of administrative simplification, used by another government in support of the maintenance of thresholds, does not seem to justify the elimination of all forms of protection, whose usefulness might be justified *a posteriori*, once the conditions governing qualifying periods have been met, whether or not the periods of part-time employment have been followed by periods of full-time employment. Be that as it may, the Office considered, in the light of these replies, that it had gone too far in proposing the elimination of thresholds and has decided to propose instead their progressive reduction. An amended provision thus appears in clause (a) of Point 17 and in paragraph (1) of Point 19 of the Proposed Conclusions.

The proposal made in clause (a) concerning qualifying periods for eligibility applicable to part-time workers before the granting of recognized protection in the contingencies of maternity and termination of the employment relationship and as regards annual leave and paid public holidays was widely supported and has been introduced in paragraph (2) of Point 19 of the Proposed Conclusions.

As regards statutory social security schemes based on the exercise of an occupational activity, clause (a) and part of clause (c) referred to qualifying periods for eligibility to such benefits. The problem is to adapt these qualifying periods to the conditions of the occupational activity of part-time workers. The purpose of the qualifying period, according to the ILO's general social security standards, is to "preclude abuse" (Conventions Nos. 102 and 168) or, in a more positive wording, to ensure that the conditions governing the qualifying period "shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected" (Convention No. 130). For a long time however it was implicitly held that part-time workers did not normally belong to the categories of persons protected and it was not considered abnormal that they were unable to meet the requirements concerning qualifying periods.

As established in the legislation of many countries, the qualifying periods often lead to differences in treatment, even the loss of rights, to the detriment of part-time workers. This may result from the fact that the periods of contribution, insurance or employment required during the qualifying period are calculated in complete units of time — by the day, week or month — which do not adapt well to the usual distribution of working time of these workers (a few hours a day, two or three days a week). This may also be due to the fact that the qualifying minima on periods of contribution, insurance or employment are so high, particularly in the case of entitlement to income replacement benefits, that many part-time workers are unable to meet them during the course of a normal qualifying period. For these reasons, the Office has proposed, in clause

(d) (i) of Point 17 of the Proposed Conclusions, that the qualifying periods for eligibility should be adapted. The content of these adaptations is left to the discretion of the competent authority in each country, with account being taken, however, of the objective which is to prevent part-time workers from being unfairly penalized. Different adaptations are possible. For example, equivalence might be established between several units of time to be taken into account in the calculation of the periods of contribution, insurance or employment required during the qualifying period; this would mean, in the case of workers who do not meet the requirements for being considered as having been employed for one of the units of time used for calculating the qualifying period (such as a week or month), that shorter units could be counted, such as an hour. Consideration might also be given to extending the reference period during which the periods of contribution, insurance or employment must have been completed or, conversely, to leaving this reference period unchanged but shortening the periods of contribution, insurance or employment proportionately to the hours of work of part-time workers.

In some contingencies — old age, invalidity, death of the breadwinner and in some countries unemployment — the qualifying period is not only a condition for entitlement but also a factor in the calculation of benefits. Now even in cases where a reduction in benefits proportional to the reduction of normal hours of work is admissible for part-time workers, this kind of calculation formula may lead to a twofold reduction in the benefits granted to these workers because of their shorter periods of contribution, insurance or employment and their lower earnings. This is why the Office proposes, in clause (d) (ii) of Point 17 of the Proposed Conclusions, the adaptation of statutory social security schemes which fix the amount of benefits by reference both to an average of former earnings and to the length of the periods of contribution, insurance or employment. Once again, the content of these adaptations is left to the discretion of the competent authority in each country. Possible adaptations which might be considered include, for example, the calculation of these benefits according to periods of contribution, insurance or employment corresponding to normal hours of work but based on the amount of wages actually received during the periods of part-time work; or, conversely, according to the actual length of periods of contribution, insurance or employment but on the basis of the wages corresponding to normal hours of work.

Given the large number of affirmative replies received, the provision suggested in clause (d) has been included in Point 17 (b) of the Proposed Conclusions, with an amendment stemming from the fact that old-age benefits and family allowances are not the only minimum or flat-rate benefits granted under statutory social security schemes based on the exercise of an occupational activity.

Finally, clause (c) of Point 17 of the Proposed Conclusions is based on Question 17 (b), which received a clear majority of affirmative replies. The text has been slightly amended to make it clearer that the aim is to prevent situations in which unemployed part-time workers would be deprived of unemployment benefit because, since they are seeking only part-time employment, they would not be considered as fulfilling the condition concerning availability for work normally required for the granting of these benefits.

Qu. 15 *Should the Recommendation provide that part-time workers should be eligible on an equitable basis to participate in:*

(a) employer-supported schemes that provide or supplement the social security benefits referred to in Question 9 (1) (a)?

(b) other provident schemes supported by employers, such as savings plans or life insurance?

Clause (a):

Total number of replies: 58.

Affirmative: 42. Austria, Bangladesh, Barbados, Belarus, Bolivia, Burundi, Canada, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Hungary, Indonesia, Islamic Republic of Iran, Jordan, Malaysia, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Slovenia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 6. Bahrain, Belgium, Brazil, Japan, Kuwait, Suriname.

Other: 10. Australia, Malta, Mexico, Panama, Papua New Guinea, Saudi Arabia, Sri Lanka, United Kingdom, United States, Zambia.

Clause (b):

Total number of replies: 56.

Affirmative: 40. Austria, Bangladesh, Barbados, Belarus, Bolivia, Burundi, Canada, Chad, Chile, Congo, Cyprus, Czechoslovakia, Denmark, Finland, Gabon, Germany, Hungary, Indonesia, Islamic Republic of Iran, Jordan, Malaysia, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Slovenia, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 7. Bahrain, Belgium, Brazil, Egypt, Japan, Kuwait, Suriname.

Other: 9. Australia, Malta, Mexico, Panama, Papua New Guinea, Saudi Arabia, United Kingdom, United States, Zambia.

Australia. (a) Yes, as far as possible. (b) Yes, in principle, for permanent part-time workers but not for casual part-time workers.

ACCI: Yes.

Austria. (a) In view of the proposal in Question 9, this should refer only to employer-supported "schemes that supplement the statutory schemes".

BGW: No, if this access is made compulsory.

Bahrain. GCBW: Yes.

Bangladesh. (a) May be eligible on a different scale.

Brazil. CNT: Yes.

Chile. Yes, provided that such schemes already exist.

Colombia. CGTD: Yes.

Egypt. (b) No. The question should be left to national legislation.
Employers: (a) Subject to collective bargaining.

Gabon. (b) Yes, in proportion to wages.
CGSL: Yes.

Germany. BDA: (b) In the case of benefits which the employer freely chooses to provide, it should be possible to differentiate between groups of workers.

Hungary. Yes. Part-time work should not provide a basis for discrimination.

Ireland. ICTU: Yes.

Italy. CONFINDUSTRIA: Yes.
UIL: Yes.

Japan. No. The assistance provided by employers is a matter to be decided by negotiation between labour and management.
RENGO: Yes. This provision should be included in the proposed Convention.

Malta. To the extent that part-time workers are employed on a regular and not occasional basis.

Mexico. Only if this can be sustained by each country without leading to discriminatory practices.
CONCAMIN: Only if national conditions allow.

Netherlands. RCO: Yes, but the benefits should be on a pro rata basis.

Nicaragua. ATC: Yes.

Panama. Only part-time workers with permanent contracts should have access to such schemes.

Papua New Guinea. Yes, provided that part-time workers meet the qualifying criteria and are willing to join such schemes.

Poland. CPE: Yes, if legislation makes provision for the participation of workers and if part-time workers meet the required conditions.

Portugal. CIP: No.

Qatar. (b) Yes, on conditions (length of service, hours of work, for example) to be fixed by national legislation.

Saudi Arabia. Yes, in accordance with national legislation or agreement.

Sri Lanka. Part-time workers should be able to participate in these schemes on a proportional basis.

Syrian Arab Republic. Chamber of Industry: Yes, provided that the participation is a right of the worker and not an obligation.

Turkey. TISK: The Recommendation should provide that part-time workers should enjoy the rights granted to full-time workers according to the type of part-time work done. These rights should be the subject of collective agreements.

United Kingdom. Where appropriate. This should be decided by the employers.
CBI: (a) Yes, when appropriate, but the costs of retirement schemes could be prohibitive. (b) Yes.
TUC: Yes.

United States. See replies to Questions 9 and 14.
USCIB: No.

Uruguay. Employers: No.

Zambia. (a) Attainable economic development will be a determinant factor. (b) May be workable, but resistance is likely if a heavy burden is placed on employers.

The schemes covered by this question are private ones generally set up at enterprise or branch level, and less often at the inter-occupational level, which supplement statutory legal social security schemes and, in exceptional cases, replace them or make up for their limitations or non-existence. They may result from an initiative solely on the employers' side, be based on a collective agreement, be financed jointly by employers and workers or — more rarely — have been created by employed persons alone. Consequently the limitation of these schemes to "employer-supported schemes" was not justified and this provision has been deleted.

Upon reflection, the Office also realized that the distinction made between private schemes set up to provide or supplement social security benefits and other private provident schemes, such as savings plans or life insurance, was artificial in that both seek to protect workers against certain contingencies which are likely to affect them and their families adversely. This is why Point 18 of the Proposed Conclusions refers rather to "private occupational schemes which supplement or replace the statutory social security schemes".

These private occupational schemes can be divided into two major categories: those based on the primacy of benefits and those based on the primacy of contributions. The former legally guarantee benefits of a certain level and adjust their financing methods accordingly. The latter guarantee specific financing and grant benefits only according to the capitalized amounts of individual contributions, converted where applicable into a pension. In both types of scheme the problem arises of the exclusion of part-time workers by a possible threshold requirement. This is why *Point 18 (1)* of the Proposed Conclusions proposes that such thresholds should be progressively reduced to allow part-time workers to be covered as widely as possible. This is one way of treating them equitably in this respect, as suggested by Question 15.

A second way of treating part-time workers on an equitable basis within the framework of these private occupational schemes is to grant them conditions which are equivalent to those of other workers, in other words to ensure that they are not the victims of unjustified discrimination. However, on this point as well as on other points of the Proposed Conclusions, enjoying equivalent conditions does not necessarily mean enjoying exactly the same protection. For some benefits in fact, equal treatment may mean that what is due to part-time workers must be determined in proportion to their hours of work or contributions paid, so as to avoid reverse discrimination — this time against full-time workers. This concern has been reflected in the drafting of paragraph (2) of *Point 18*.

Qu. 16 *Should the Recommendation provide that the involuntary transfer of a worker from full-time to part-time work should be subject to the requirement of a valid reason and a reasonable period of notice or pay in lieu thereof?*

Total number of replies: 63.

Affirmative: 35. Australia, Austria, Bahrain, Belarus, Bolivia, Burundi, Canada, Chad, China, Cyprus, Egypt, Finland, Gabon, Germany, Indonesia, Islamic Republic of Iran, Jordan, Malta, Morocco, Myanmar, New Zealand, Norway, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Slovenia, Suriname, Swaziland, Sweden, Tunisia, United Arab Emirates, United Kingdom, Uruguay.

Negative: 7. Bangladesh, Brazil, Japan, Kuwait, Panama, United States, Zambia.

Other: 21. Barbados, Belgium, Chile, Congo, Cuba, Czechoslovakia, Denmark, Greece, Hungary, Ireland, Italy, Malaysia, Mexico, Netherlands, Portugal, Spain, Sri Lanka, Sudan, Syrian Arab Republic, Turkey, Venezuela.

Australia. Yes. However, employers should be strongly encouraged to take steps to find alternative full-time employment within the enterprise for their employees, if necessary after training or retraining. In addition, consultation with the workers and/or their representatives will be desirable before work pattern changes are implemented, with a view to mutually satisfactory arrangements. The provision is not readily achievable in the case of casual workers.

ACCI: No. The employer should have full discretion, although the requirement for reasonable notice would be appropriate.

Austria. VÖI: Except in cases of necessity, changes should be possible only on the basis of agreement.

BGW: Such a provision already exists in Austria.

BAK: Under national legislation, an involuntary transfer to part-time work is deemed to constitute a modification of the contract of employment and hence requires the worker's consent.

Barbados. Yes, but only where the involuntary transfer is not contrary to national law and practice.

Belgium. No, the Recommendation should establish the principle of the prohibition of unilateral transfer. In Belgium the worker's agreement is required for any modification of his contract of employment; alternatively the employer may dismiss the worker according to the usual rules and possibly re-recruit him.

Brazil. CNT: Yes.

Chile. (Questions 16 and 17 (a)) Involuntary transfer from full-time to part-time work should not be possible. Transfer should be on a voluntary basis with the agreement of the worker concerned.

Colombia. CGTD: Such a transfer should not be possible.

Congo. The worker's prior agreement would be desirable.

Cuba. The promotion of part-time work should not lead to a deterioration in the conditions of employment and job security of full-time workers.

Czechoslovakia. No. National legislation does not allow such transfers.

Denmark. This question should be regulated on the basis of the general national rules concerning dismissal at the initiative of the employer.

DA: No.

LO: Subject to valid grounds for dismissal.

Finland. SAK: Yes, this provision should appear in the proposed Convention.

Gabon. Advance notice should be given by the employer or, failing that, compensation since this would be an essential modification of the contract of employment.

CGSL: Such a transfer should not be possible.

Germany. Yes, economic considerations or the reorganization of the enterprise may constitute valid reasons.

BDA: In Germany notice of such a change must be given. In addition, the works council has a right to be consulted.

DGB: Yes.

Greece. (Questions 16 and 17 (a)) In Greece the employer may not change a full-time employment relationship into a part-time one. Nor may the employer terminate an employment relationship because of the employee's refusal to accept such a modification.

Hungary. Yes, but it must be specified that the worker is not obliged to accept such a transfer even for a valid reason. Workers must retain their usual rights in the event of being given such notice by the employer.

Islamic Republic of Iran. Yes. However, the worker's agreement to such a transfer should be obtained.

Ireland. Such a transfer is normally the subject of discussion and agreement between employers and employees and is not covered by legislation.

ICTU: Yes.

Italy. Such a modification of the employment relationship is admissible only in the event of agreement between the parties.

CONFINDUSTRIA: Account must be taken of agreement between the parties and of compatibility with the production requirements.

UIL: Yes.

Japan. No. As compensation for a change in the form of employment should be proportionate to the extent of the change, it is not appropriate to specify uniformly "a valid reason and a reasonable period of notice or pay in lieu thereof". These matters should be treated according to the national situation, law and practice.

RENGO: Such transfers should be prohibited.

Kuwait. No, because this would result in a transfer to a lower status.

Malaysia. Involuntary transfer should not be permitted as it would lead to abuses as well as to insecurity on the part of the workers.

Mexico. Transfer can be justified only if it is voluntary, based on a valid reason, and if a reasonable period of notice is given.

Morocco. Yes, without prejudice to the right of appeal.

Netherlands. An involuntary transfer from full-time to part-time work would violate the labour contract. Normal procedures on termination of employment should apply.

RCO: Such transfers should in principle be voluntary, unless some guarantees can be given.

Panama. CONEP: No. Such a transfer may be motivated by various reasons, including recession. There is no need for prior notice or compensation.

Poland. CPE: Involuntary transfer should be dealt with like any other change in the contract of employment.

Portugal. The transfer from full-time to part-time work and vice versa should be based on an agreement. The form of employment is an essential component of the contract of employment and as such may not be modified unilaterally. In the event that such a transfer were however to be made, the proposed conditions should apply.

CIP: No objection.

Spain. Yes, but with the worker being allowed to give notice and to receive compensation in respect of unjustified dismissal.

Sri Lanka. Such transfers should be completely prohibited.

Sudan. (Questions 16 and 17 (a)) National legislation prohibits such transfers.

Syrian Arab Republic. The worker's approval should be required for transfer from full-time to part-time work and fair compensation should be paid to protect the worker's standard of living.
Chamber of Industry: There should be no involuntary transfer.

Tunisia. Yes, to avoid cases of abuse.

Turkey. In addition, any worker transferred from full-time to part-time work involuntarily should have the right to appeal to a court of law against the reason for the transfer.
TISK: Yes.

United Kingdom. Yes, provided it would not go beyond appropriate protection limits.
CBI: Yes, subject to national law and practice.
TUC: Yes. It should also provide that there should be no loss of accrued rights.

United States. This should be left to the collective bargaining process.
USCIB: No.

Uruguay. Employers: No.

Venezuela. Such a transfer should be considered as indirect dismissal. The worker should receive the compensation provided by law.

It is recalled that this question does not concern workers affected by partial unemployment, which is a collective and temporary reduction in working time and is excluded, under the Proposed Conclusions *(Point 3)*, from the definition of part-time work. The question applies rather to a long-term or permanent change in individual status from full-time to part-time work.

Although a majority of replies were in the affirmative, a large number of governments and workers' organizations absolutely opposed the notion of such an involuntary transfer. Some of these drew attention to the fact that it would constitute a change in the employment contract tantamount to termination of employment at the initiative of the employer. They considered that a full-time worker should not be required to accept a transfer to part-time work. This approach is consistent with the premise that part-time work should be freely chosen, not imposed.

In view of the large number of replies which were negative or expressed strong reservations, the Office has not included the question in the Proposed Conclusions. This position was also influenced by the fact that only the protection of part-time workers, and not that of full-time workers, is at stake in this part of the Proposed Conclusions.

Qu. 17 *Should the Recommendation provide that appropriate unemployment benefits should be provided to:*

(a) workers who are transferred involuntarily from full-time to part-time work?

(b) workers whose part-time employment is lost or suspended and who are seeking part-time or full-time employment?

Clause (a):

Total number of replies: 56.

Affirmative: 37. Austria, Bangladesh, Bahrain, Barbados, Belarus, Bolivia, Brazil, Burundi, Chad, Congo, Cyprus, Egypt, Finland, Germany, Hungary, Islamic Republic of Iran, Jordan, Kuwait, Malta, Morocco, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Suriname, Swaziland, Sweden, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 6. Australia, Canada, Cuba, Gabon, Indonesia, Japan.

Other: 13. Belgium, Chile, Czechoslovakia, Denmark, Greece, Italy, Netherlands, Papua New Guinea, Sudan, Syrian Arab Republic, Tunisia, United Kingdom, Zambia.

Clause (b):

Total number of replies: 57.

Affirmative: 44. Austria, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, China, Congo, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Greece, Hungary, Islamic Republic of Iran, Jordan, Malta, Morocco, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Turkey, United Arab Emirates, United States, Uruguay, Venezuela.

Negative: 4. Cuba, Indonesia, Japan, Kuwait.

Other: 9. Australia, Chile, Italy, Netherlands, Papua New Guinea, Syrian Arab Republic, Tunisia, United Kingdom, Zambia.

Australia. (b) Not applicable in the Australian context.
ACCI: (b) Yes.

Austria. VÖI and BGW: Under the national insurance system, the simultaneous payment of unemployment benefit and remuneration is not possible, except for short-time benefit.
BAK: (a) Involuntary transfers should be prohibited.

Bahrain. GCBW: Yes.

Barbados. (a) Yes, according to legislation.

Belgium. (a) See under Question 16.

Bolivia. (Questions 17 and 18) Yes, the contrary would be discriminatory.

Brazil. CNC and CNT: (a) No.

Canada. (a) No, there must be some basis for deciding when a person is unemployed and not merely underemployed.

Chile. (a) See under Question 16. (b) Part-time workers should have the opportunity to choose between unemployment benefits or compensation for dismissal under the same conditions as full-time workers.

Czechoslovakia. (a) Yes, but only if the reply to the previous question is affirmative.

Denmark. (a) Not unconditionally. Part-time workers should not automatically be able to supplement their income with unemployment benefits.
DA: No.
LO: (a) Yes.

Finland. Yes. Attention should should be paid to branch-specific differences as they may cause application problems.

Gabon. (a) No. This is a matter for national legislation.
CGSL: (a) See Question 16. (b) Yes, while awaiting other employment.

Germany. (a) Yes, in principle. If part-time hours fall below a specified level the worker is in principle deemed to be unemployed. (b) Yes if the other conditions governing eligibility for benefits are satisfied. A prerequisite is previous part-time employment for a minimum number of hours (18 hours).
DGB: (a) Yes.

Ireland. ICTU: Yes.

Italy. (Questions 17 to 19) Part-time workers should be granted the same benefits as those for full-time workers.
CONFINDUSTRIA: (a) Yes. (b) There should be equality of treatment with full-time workers.
UIL: Yes.

Malaysia. MLO: Should involuntary transfers occur, appropriate unemployment benefits should be provided.

Malta. (b) Yes, when employment is suspended or lost for reasons other than misconduct or negligence.

Mexico. CONCAMIN: According to national conditions.

Netherlands. The Recommendation could provide this only if account is taken of normal procedures and rules concerning termination of employment and unemployment benefits.
RCO: Yes, on the basis of the principle of equal treatment.
FNV: Yes. A worker whose part-time employment is lost should not have to accept full-time work to be eligible for unemployment benefits based on the part-time job. Where such a worker accepts a new job with fewer hours, although still wishing to work the former number of hours, unemployment benefits should be provided for the reduction in working time.

Nicaragua. ATC: (b) Yes.

Panama. CONEP: (a) Yes, provided such unemployment benefits exist. (b) No.

Papua New Guinea. Unemployment benefits are not normal practice in poorer countries.

Poland. CPE: (a) No.

Portugal. CPI: No, for reasons related to the financing of social insurance schemes.

Syrian Arab Republic. The provisions of national social security legislation should be applied as regards unemployment benefits.

Chamber of Industry: Yes, provided an unemployment benefit scheme exists.

Tunisia. These provisions could be established but they can be applied only by countries with an unemployment insurance scheme, which is not the case in Tunisia.

Turkey. (a) On a proportional basis.
TISK: (a) No.

United Kingdom. This depends on the definition of part-time work. Unemployment benefit is principally designed to provide some support to those out of work and not as a means of subsidizing part-time earnings.
CBI: (a) No, everyone would be "involuntary" on this basis. (b) Yes, subject to national law and practice.
TUC: Yes.

United States. USCIB: No.

Uruguay. (a) Employers: No.

Zambia. This is applicable only to countries with a strong economic base.

In accordance with the deletion of a provision corresponding to Question 16 from the Proposed Conclusions, it would be inappropriate to include a point corresponding to clause (a).

The concern expressed in clause (b) has been taken into account in *Point 17 (c)* of the Proposed Conclusions which grants part-time workers whose employment has been suspended access to unemployment benefit provided they state that they are "available for work", even if this availability refers only to part-time work.

Qu. 18 *Should the Recommendation provide that part-time workers should benefit on an equitable basis from financial compensation additional to basic wages which is received by full-time workers in the branch or establishment concerned, including incentive payments; bonuses; premiums for shift, night and weekend work and work on public holidays; and allowances for transport, meals and other purposes?*

Total number of replies: 62.

Affirmative: 43. Australia, Austria, Barbados, Bolivia, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Italy, Jordan, Kuwait, Malaysia, Morocco, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Swaziland, Sweden, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 7. Bahrain, Brazil, Ireland, Japan, Suriname, United Kingdom, United States.

Other: 12. Bangladesh, Belarus, Belgium, Islamic Republic of Iran, Malta, Mexico, Papua New Guinea, Romania, Sri Lanka, Syrian Arab Republic, Tunisia, Zambia.

Austria. Yes, although it should be possible, subject to the principle of equality, to grant voluntary social benefits to part-time workers on a proportional basis (see reply to Question 31).

BGW: Opposed to mandatory access of part-time workers to voluntary social benefits.

BAK: These are part of remuneration and collective agreements do not distinguish between full-time and part-time workers.

Australia. ACCI: No. See reply to Question 8.

Bahrain. GCBW: Yes.

Bangladesh. A differential benefit system may be granted.

Belarus. In proportion to hours of work.

Belgium. These advantages should be covered by the general principle of proportional remuneration. The Recommendation should include a Point on this subject with examples.

Brazil. CNT: Yes.

Colombia. CGTD: Yes.

Denmark. Yes, to the extent agreed upon by the social partners.

DA: To the extent that a provision concerning pay should be included in the Recommendation, it should be in a much simpler form than that indicated here. The principle could be stated that any existing minimum pay provisions or agreed hourly wages for a specific type of work should be fully applicable to both full-time and part-time workers.

Egypt. Employers: No. This would reduce part-time work opportunities.

Germany. Yes. See the comment under Question 8.

BDA: It depends on what is meant by the word "equitable". Payments related to performance should be paid proportionally.

DGB: Yes.

Islamic Republic of Iran. Such compensation should be granted in proportion to the hours worked.

Ireland. Rates of remuneration and financial compensation are not suitable matters for legal provision.

ICTU: Yes.

Italy. CONFINDUSTRIA: On a proportional basis.

ASAP: It would be appropriate to add the words "and proportional" after "equitable".

UIL: Yes.

Japan. No. This would result in a rise in the hourly rate of pay for part-time workers and an imbalance in their treatment compared to that of full-time workers. It is not appropriate to prescribe an equitable treatment uniformly because these matters should be negotiated by labour and management.

RENGO (Questions 18 and 19): Yes. This provision should be included in the proposed Convention.

Malta. (Questions 18 and 19) For regular part-time workers only.

Mexico. Yes, in proportion to working time and remuneration.

Netherlands. Yes, in principle, given that "equitable" is a flexible notion.

RCO: Yes.

FNV (Questions 18 and 19): Yes. See also under Questions 4 and 8.

Nicaragua. ATC: Yes.

Panama. CONEP: No, as part-time work may include the services of professionals or technicians with remuneration similar to or higher than that of full-time workers.

Papua New Guinea. All benefits should be proportional to the hours worked.

Poland. CPE (Questions 18 and 19): Yes. Part-time workers should be treated in the same way as full-time workers.

Portugal. (Questions 18 and 19) Yes, the principle of non-discrimination should be reflected in the entire Recommendation.
CIP: The Recommendation should not include this provision or provisions respecting allowances for meals, transport and other purposes. These are questions which should be dealt with according to national practice.

Romania. In proportion to the hours of work.
FRATIA: Yes, according to the circumstances.

Sri Lanka. (Questions 18 and 19) Part-time workers should be granted proportional benefits.

Syrian Arab Republic. In proportion to the hours actually worked.
Chamber of Industry (Questions 18 and 19): Yes.

Tunisia. On a proportional basis, in the same way as the basic wage.

Turkey. TISK: No. The rights granted to part-time workers should take into account the type of part-time work done.

United Kingdom. (Questions 18 and 19) No. These matters should be left for agreement between employers and employees, provided there is no unlawful discrimination.
CBI: No. Premiums for shift, night and weekend work and work on public holidays will in many cases be inappropriate.
TUC: Yes, on a pro rata basis.

United States. (Questions 18 to 23) This issue should be left to collective bargaining and the socio-economic structure of each member State.
USCIB: No.

Zambia. Depending on the capacity in the branch or establishment concerned to pay the financial benefits and compensation extended to full-time workers.

While this question received a substantial majority of affirmative replies, several of these suggested that the guiding principle should always be proportionality. On the other hand, forms of compensation which are not related to working time, such as allowances for transport or meals, do not necessarily lend themselves readily to payment on a proportional basis. As pointed out by one government, "equitable" is a flexible concept. It imples an absence of improper discrimination and does not preclude proportional treatment in appropriate cases; indeed, in some cases proportionality might be essential for treatment to seem equitable from the point of view of both part-time and full-time workers.

Some replies noted that questions concerning remuneration were appropriately dealt with through collective bargaining, or were not suitable for legislation. The Office notes that, according to Point 5 of the Proposed Conclusions, the new proposed standards could be applied by collective agreement or by other suitable means. They would accordingly not rely for implementation on legislation alone, but would also provide guidance to the social partners in collective bargaining.

Replies from some employers' organizations indicated that the access of part-time workers to fringe benefits should be dependent upon the type of part-time work done; one such organization specifically mentioned that premiums for shift, night and weekend work and work on public holidays would often be inappropriate.

In view of the majority opinion that whatever protection is afforded to full-time workers, through financial compensation, should be extended on an equitable basis to part-time workers, the provision has been retained without change as *Point 20* of the Proposed Conclusions.

Should the Recommendation provide that part-time workers should have access on an equitable basis to the welfare facilities and social services of the establishment concerned, such as those pertaining to health care, meals, transport, child care, education and recreation? **Qu. 19**

Total number of replies: 62.

Affirmative: 51. Austria, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Egypt, Finland, Gabon, Germany, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Zambia.

Negative: 5. Bahrain, Japan, Suriname, United Kingdom, United States.

Other: 6. Australia, Denmark, Greece, Netherlands, Papua New Guinea, Sri Lanka.

Australia. Only in relation to permanent part-time workers.
ACCI: Yes.

Bahrain. GCBW: Yes.

Bangladesh. May be provided as regards health care, child care, education and recreation.

Colombia. CGTD: Yes.

Denmark. Yes, but a certain minimum employment might be relevant.
DA: No.

Gabon. CGSL: Yes.

Germany. BDA: Yes, in principle, where this makes practical sense.
DGB: Yes.

Greece. The text should stipulate "with account being taken of the conditions and possibilities of the enterprise", in particular as regards transport.

Ireland. ICTU: Yes.

Italy. CONFINDUSTRIA: Yes.
ASAP: The words "and proportional" should be added after "equitable". For meals and transport, account should be taken of work schedules.
UIL: Yes.

Japan. (Questions 19 to 23) This should be left for negotiation between labour and management and dealt with according to national law and practice.

Kuwait. Yes. These rights should be granted on the basis of the nature and conditions of work, irrespective of the hours actually worked.

Malaysia. MLO: Yes.

Mexico. Yes, if this does not affect full-time workers.
CONCAMIN: Yes.

Netherlands. There could be objective reasons for not providing access, such as for workers who work very few hours per week.
RCO: Equal access to these facilities and services, which concern internal enterprise policy, is not always possible, but in any case costs for part-time workers should not be higher than for full-time workers.

Nicaragua. ATC: Yes.

Norway. NHO: A general reply cannot be given because the rules vary from branch to branch.

Papua New Guinea. Where appropriate.

Portugal. CIP: This matter should be regulated by national practice.

Tunisia. Yes, without discrimination.

United Kingdom. CBI: Yes, where appropriate. However, as part-time workers often work when a minority of persons are on site, certain facilities provided only at core times are not available.
TUC: Yes.

A very large majority of replies were in the affirmative. However, some replies indicated that the matter should be left to negotiation in the establishment concerned, or made the point that practical considerations needed to be taken into account in determining access to welfare facilities and social services. Such considerations might in particular relate to the work timetable, for instance as regards the provision of transport, and could also concern employees who work very few hours per week or whose employment is of short duration.

The Office has incorporated these concerns in *Point 21* of the Proposed Conclusions, by placing emphasis on the requirement to take "all appropriate measures" to ensure that "as far as possible" part-time workers have access to these facilities on an equitable basis. In an effort at concision, the examples listed at the end of the question have not been cited specifically in the provision.

Should the Recommendation provide that: **Qu. 20**

(a) the length and scheduling of the hours of work of part-time workers should be established taking into account the interests of the worker as well as those of the employer?

(b) changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice?

Clause (a):

Total number of replies: 61.

Affirmative: 49. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Greece, Hungary, Indonesia, Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Norway, Portugal, Poland, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Zambia.

Negative: 5. Germany, Japan, New Zealand, Panama, United States.

Other: 7. Belgium, Canada, Gabon, Ireland, Papua New Guinea, Syrian Arab Republic, United Kingdom.

Clause (b):

Total number of replies: 63.

Affirmative: 47. Austria, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Cuba, Cyprus, Denmark, Egypt, Finland, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Norway, Panama, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 4. Belgium, Japan, New Zealand, Romania.

Other: 12. Australia, Congo, Czechoslovakia, Gabon, Ireland, Italy, Papua New Guinea, Sri Lanka, Syrian Arab Republic, United Kingdom, United States, Zambia.

Australia. (a) Yes, and reached through consultation. (b) The Recommendation should emphasize the importance of consultation. Employers and supervisors should understand the possible constraints on workers' availability to work overtime and the periods of notice which they may need to make alternative arrangements for their family responsibilities, etc. On the other hand, excessive restrictions would impede the flexibility employers require to respond to unforeseen events; this might discourage permanent part-time work. The Recommendation should be drafted to reflect these considerations and indicate the desirability, where possible, of restrictions and prior notice. It could also specify that workers should not be obliged to work beyond their scheduled hours if unable to make any necessary alternative arrangement within the notice period provided.

ACCI: (a) These decisions should rest with the employer who should, however, take account of the worker's interests. (b) It depends on the nature of the restrictions and the prior notice.

Austria. VÖI: (b) Changes should be possible only on the basis of the contract of employment (except in cases of necessity).
BGW: The Recommendation should simply advocate that account should be taken of the interests of the employers and workers in the arrangement and modification of working hours.
BAK: Yes. Provisions protecting part-time workers against unilateral decisions and requiring timely information of any contemplated changes should be embodied in the proposed standards.

Belgium. (a) This principle is difficult to implement by legislation. If possible, it should be applied through the consultation provided for in Question 12. (b) No, because of the variety of circumstances which could justify work beyond scheduled hours.

Brazil. (b) Yes, when the work in question so permits.
CNC: (b) No.

Canada. (a) Where feasible. (b) Yes, although work beyond scheduled hours without notice (as in an emergency) should be permitted as it is for full-time workers.

Colombia. CGTD: Yes.

Congo. Yes, by mutual agreement.

Czechoslovakia. (b) Yes. These changes should be the subject of prior agreement between the employer and the workers.

Denmark. DA: This question presupposes the existence of an agreement between the two parties.

Egypt. (b) Employers: Through collective bargaining.

Gabon. (a) As far as possible. (b) The process should be the same as for full-time work.
CGSL: Yes.

Germany. (a) No. This is self-evident and hence superfluous.
BDA: (a) Yes. (b) There should be no restrictions but the requirement of prior notice seems appropriate.
DGB: (a) Yes. (b) Changes should be possible only by agreement between the employers' and workers' representatives.

Hungary. Employers: In both cases there should be agreement with the workers.

Islamic Republic of Iran. (b) Yes. Furthermore, workers should be informed in advance and their agreement obtained.

Ireland. In Ireland the duration and organization of hours of work are normally the subject of collective bargaining between employers and workers and are not regulated by legislation.
ICTU: Yes.

Italy. (b) Changes in hours of work should be agreed upon by the parties and should not be decided unilaterally.
CONFINDUSTRIA: (a) Yes. (b) Account should be taken of the needs of both parties. Advance notice is not necessary.
ASAP: (b) Yes as regards advance notice, but with no restrictions.
UIL: (a) Yes. (b) These changes and work beyond scheduled hours should be the subject of an agreement between the parties concerned.

Japan. RENGO (Questions 20 and 21): Overtime work should in principle be prohibited. It is not necessary to refer to the interests of the employer in relation to the scheduling of part-time workers' hours.

Mexico. CONCAMIN: (a) Yes. (b) No.

Netherlands. RCO: (a) The regulation of hours of work is established between the employer and the worker. The final decision is for the employer, taking into account as far as possible the wishes of the worker. (b) This could be established by laws and collective agreements without any special distinction for part-time workers.

Nicaragua. ATC: (a) Yes.

Poland. CPE: (a) The number and organization of hours of work of part-time workers should be consonant with the needs of the enterprise and be established according to the same rules as those used for full-time workers.

Portugal. CIP: (a) The interest of the enterprise should prevail. (b) Subject to prior notice, if possible.

Romania. FRATIA: (b) By prior negotiation.

Slovenia. Chamber of Commerce (Questions 20(b) and 21): No. This would impede labour market flexibility and does not meet the operational requirements of business for greater freedom in distributing hours of work.

Sri Lanka. (b) Yes. Changes should be made with the agreement of the worker.

Syrian Arab Republic. This matter should be dealt with in conjunction with the definition of part-time work.
Chamber of Industry: No changes in the number of hours of work should be made without agreement between the two parties.

Turkey. TISK: It is more appropriate for the employer to plan working hours according to requirements and changing conditions.

United Kingdom. These are contractual matters agreed between the parties and cannot be changed without their approval.
CBI: Yes, where possible, although there is no reason for part-time workers to be treated more or less favourably than full-time workers in this respect. There may be instances when unforeseen circumstances such as peaks in demand for services make this proposal, especially as regards (b), impossible.
TUC: Yes.

United States. USCIB: (a) Yes, subject to the employer's final judgement. (b) No, unanticipated circumstances could make this impossible.

Uruguay. Employers: No.

Zambia. (b) Restrictions should not necessarily be imposed but work beyond scheduled hours should be subject to agreement.

The question concerns in particular the protection of part-time workers from abuse of on-call and "zero hours" arrangements and from excessive overtime demands. A large majority of replies to both clauses of the question were affirmative.

Concerning the question in clause (a), several governments and workers' organizations emphasized the importance of consulting the workers' representatives in this respect, while some employers' organizations underlined that the final decision on the number and scheduling of hours of work should rest with the employer. It seems unnecessary to stipulate this since nothing in the provision implies a change in whatever decision-making mechanisms exist. However, to avoid any confusion which might be caused by the reference to "the interests of . . . the employer", as well as to those of the worker, being taken into account in establishing the number and scheduling of hours of work of part-time workers, this has been changed to refer to "the needs of the establishment".

Many replies to the question in clause (b) considered that changes in the agreed work schedule which were not provided for by the contract of employment should be made only by agreement between the parties concerned. On the other hand some replies pointed out that there could be many different reasons for requiring work beyond scheduled hours and expressed concern that restrictions would unduly hamper establishments' capacities to respond to unexpected circumstances. One government referred to the need to balance these competing considerations, invoking the possible constraints on part-time workers' availability to work overtime and the periods of notice which they may need to make alternative arrangements for family responsibilities, etc. The restrictions and prior notice requirements themselves would no doubt in practice be established with account being taken of these considerations. However, given the very wide range of personal circumstances and occupational situations of part-time workers, it seems doubtful that the Recommendation could include a broadly applicable and useful reference of this nature. In view of the fact that there was a range of opinions on the degree of restriction which would be appropriate, and that a clear majority of affirmative replies were received, the provision under clause (b) has been retained without change.

With the drafting amendment to clause (a) referred to above, and subject to the addition of a paragraph relating to Question 21 (see below), the provision under Question 20 has been included in the Proposed Conclusions *(Point 22).*

Qu. 21 *Should the Recommendation provide that work beyond the agreed work schedule of a part-time worker should be specially compensated, even if the total hours worked do not exceed normal hours of work in the branch or establishment concerned?*

Total number of replies: 62.

Affirmative: 36. Bangladesh, Belarus, Bolivia, Burundi, Chad, Chile, China, Congo, Cuba, Czechoslovakia, Egypt, Gabon, Hungary, Indonesia, Islamic Republic of Iran, Jordan, Kuwait, Malaysia, Malta, Morocco, Myanmar, Papua New Guinea, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela.

Negative: 23. Australia, Austria, Barbados, Brazil, Canada, Cyprus, Denmark, Finland, Germany, Greece, Ireland, Japan, Netherlands, New Zealand, Norway, Panama, Poland, Romania, Sri Lanka, Sweden, United Kingdom, United States, Zambia.

Other: 3. Belgium, Italy, Mexico.

Australia. No. This provision is too restrictive. A number of different approaches could be appropriate, depending on work requirements and industry circumstances, worker and employer preferences and needs (e.g. part-time work for family and personal

needs/part-time work linked to underemployment). In addition, as overtime rates do not apply to full-time employees at the middle management level, to apply them to part-timers could create resentment and dissatisfaction.

ACCI: No.

Austria. No. However, if a provision along such lines is retained, a clause should be added to specify "only if national conditions permit".

VÖI: Special compensation for work not exceeding normal hours of work in the branch or establishment concerned should not be included, since it would be contrary to the principle of equality.

BGW: Absolutely opposed to this provision.

Bahrain. GCBW: Yes.

Barbados. No. Special compensation should be required only where the hours exceed eight in a day or 40 in a week.

Belgium. The Government asks whether such a provision is appropriate in an international standard, given the complexity of its application.

Canada. No. Extra work could be subject to restrictions but not to special compensation for which full-time workers are not eligible. The aim of these instruments should be to eliminate disparities among workers, not to create new differentials.

Colombia. CGTD: Work should not be performed beyond the agreed hours.

Congo. Yes, in accordance with the definition of part-time work and national practice.

Cyprus. No. Such a measure could prove detrimental to part-time employment.

Denmark. LO: Yes.

Egypt. Employers: No.

Finland. No. Compensation of overtime hours should be decided at the national level, by legislation or collective agreement.

Gabon. Yes, because a worker's contract is for a precise amount of time each day or week.

Germany. No. This should be left to the parties to collective bargaining and to employers and workers concluding contacts of employment. Such a provision could give part-time workers preferential treatment as compared with full-time workers.

BDA: No. Collective agreements provide adequate protection by specifying the circumstances in which special compensation is payable.

DGB: Overtime should in principle be compensated by time off. If the changes in working time are long-term, there should be agreement between the employers' and workers' representatives.

Greece. No. This is a matter for collective or individual contracts of employment.

Ireland. (Questions 21 and 23) No. This matter should be settled by agreement between the worker and the employer or by collective agreement.

ICTU: Yes.

Italy. Italian legislation prohibits work beyond the established hours so that workers may make the best use of their time, in the light of their family and other responsibilities.

CONFINDUSTRIA: This aspect could be settled by collective agreement.

UIL: Yes.

Japan. (Questions 21 to 23) No. This should be decided by the parties concerned or in accordance with national law and practice.

Malaysia. MLO: Work beyond the agreed hours should be adequately compensated.

Mexico. Yes, but proportionally and without affecting the compensation of overtime under the full-time hours system.

CONCAMIN: Yes.

Netherlands. RCO: No. Overtime payment is only for hours worked beyond the normal hours of work applicable to full-time workers.

FNV: Yes, to the same extent that full-time workers are entitled to special compensation for work beyond their agreed schedule, on the basis of equal treatment. Work at inconvenient times may also be specially compensated.

Nicaragua. ATC: Yes.

Norway. LO: Yes.

Panama. CONEP: No. This would make the transfer of part-time workers to a full-time job more difficult and costly and discourage recourse to part-time work.

Papua New Guinea. Yes. This work is to be treated in the same way as overtime work by full-time workers.

EFPNG: Yes, but it should not be treated as overtime.

Poland. CPE: Work performed by a part-time worker beyond the agreed hours of work should be considered as overtime.

Portugal. Yes. Work carried out beyond the normal hours of work (daily, weekly, monthly or for a longer period) should be considered as overtime.

CIP (Questions 21 to 23): No objection.

Romania. FRATIA: Yes.

Sri Lanka. No. Work beyond the usual hours or work schedule should not be allowed since otherwise the term "part-time" itself would be inappropriate.

Sweden. No, but work in excess of the agreed hours must of course be remunerated.

Syrian Arab Republic. Chamber of Industry: No.

Tunisia. Yes, to motivate part-time workers and encourage employers to transfer them to full-time work. The nature and scope of the compensation should be fixed by national legislation after consultation with the employers' and workers' organizations.

Turkey. TISK (Questions 21 to 24): No. Provisions impeding the promotion of part-time work should be avoided. Countries should be able to set conditions of work in line with their own legislation.

United Kingdom. CBI: No. This would be extremely costly and there would be an incentive for workers to register as part-timers in order to benefit from overtime rates.

Venezuela. Yes. Work performed beyond the hours stipulated by the contract should be considered as overtime.

Although this question received a majority of affirmative replies, many others were in the negative and various other comments were made. Some positive replies viewed the question as affirming equality of treatment, on the basis that work beyond the agreed normal schedule would be specifically compensated for both full-time and part-time workers. Others were concerned that it would introduce preferential treatment for part-time workers, whereas the general intent of the proposed standards was to eliminate disparities. Doubts were also raised as to the feasibility of dealing in this way with a provision whose application would be very complex and could depend on many different factors.

These objections seem well-founded. The provision has therefore been amended, as paragraph 3 of *Point 22* of the Proposed Conclusions, to refer to the

need for negotiation, in the establishment concerned, on the system of compensation for work beyond the agreed work schedule, without stipulating at what point special compensation should be paid.

Should the Recommendation provide that part-time workers should have access on an equitable basis to all forms of leave available to other workers in the branch or establishment concerned, including paid educational leave, parental leave and leave in cases of illness of a child or another member of the worker's immediate family? **Qu. 22**

Total number of replies: 60.

Affirmative: 40. Austria, Barbados, Belarus, Bolivia, Brazil, Burundi, Canada, Chad, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Germany, Greece, Hungary, Italy, Jordan, Kuwait, Malaysia, Morocco, New Zealand, Norway, Panama, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirats, Uruguay, Venezuela.

Negative: 7. Bahrain, Bangladesh, Ireland, Japan, Mexico, United Kingdom, United States.

Other: 13. Australia, Belgium, Chile, Congo, Gabon, Indonesia, Islamic Republic of Iran, Malta, Netherlands, Papua New Guinea, Sri Lanka, Suriname, Zambia.

Australia. Only for permanent part-time workers, not for casual ones. This provision would be better placed in the proposed Convention.
ACCI: Yes.

Austria. BGW (Questions 22 and 23): Yes. These measures already exist in Austria.

Bahrain. GCBW: Yes.

Belgium. Apart from paid educational leave, the conditions respecting the granting of leave should be the same for part-time and full-time workers, in accordance with the principle of equal treatment and proportionality.

Brazil. CNC: No.
CNT: Yes.

Colombia. CGTD (Questions 22 to 24): Yes.

Chile. Yes, except as regards paid educational leave.

Congo. Yes, but only if this is consonant with national practice.

Denmark. DA: No.

Egypt. Employers: According to the number of hours worked.
Workers: Yes.

Gabon. This is a matter for national legislation. In cases of illness of a child, leave should be automatically granted.
CGSL: Yes.

Germany. BDA: At most on a proportional basis, since part-time workers have more free time for education or the care of family members.
DGB: Yes.

Indonesia. Yes, except as regards paid educational leave.

Islamic Republic of Iran. Yes, if provided for by the contract of employment.

Ireland. See reply to Question 21.
ICTU: Yes.

Italy. CONFINDUSTRIA: Yes.
UIL: Yes, as regards all kinds of leave.

Japan. RENGO: Yes. This provision should be placed in the proposed Convention.

Malaysia. MLO: Yes.

Malta. Yes, in principle, but the application could be spread over a reasonable period.

Mexico. CONCAMIN: Yes.

Netherlands. Yes, in principle, but there could be objective reasons for refusing access by part-time workers whose hours of work are below a specified level.
RCO: Not as regards leave in cases of illness of a child or another member of the worker's immediate family, which should be at the discretion of individual employers.
FNV: Yes, with no thresholds.

New Zealand. NZEF: Yes.

Nicaragua. ATC: Yes.

Norway. LO: Yes.

Panama. CONEP: Yes, proportionally or in some other equitable manner.

Papua New Guinea. Yes, subject to their hours of work.
EFPNG: Yes, but scaled down proportionately to hours of work, unless additional payment is made to compensate for the loss of these benefits.

Portugal. (Questions 22 and 23) Yes, in accordance with the principles of equity and non-discrimination.

Poland. CPE: Yes. However, some differences based on hours of work should be possible.

Romania. FRATIA: Yes.

Sri Lanka. Access should be on a proportional basis.

Suriname. No, except as regards parental leave.

Syrian Arab Republic. Chamber of Industry (Questions 22 to 24): Yes.

United Kingdom. No. There should be no obligation to provide leave on an equitable basis in areas of parental, paternity or educational leave as these are matters for contractual negotiation between employers and workers.
CBI: Yes, in principle.
TUC: Yes.

United States. USCIB: No.

Uruguay. Employers: Yes, on a proportional basis.

Zambia. This should be proportionate to benefits.

This question received a very substantial majority of affirmative replies and a corresponding provision has been included in the Proposed Conclusions *(Point 23).*

A few negative replies preferred to leave the matter to the collective bargaining process. It should be noted that the question does not presuppose national legislation covering all these forms of leave. Where a particular type of leave is not governed by legislation but has been established in some branches or enterprises through collective bargaining, the text would give guidance to the social partners in the implementation of provisions respecting such leave.

Amongst the affirmative replies, three governments agreed with the principle underlying the question but would exclude paid educational leave. The Office points out that the provision would apply to paid educational leave only to the extent that it was available to comparable full-time workers in the branch or establishment concerned. In such cases, "access on an equitable basis" would be determined taking into account the range of factors which are relevant to the granting of such leave to full-time workers as well as the characteristics of the part-time job concerned. The point made by one employers' organization that part-time workers have more free time for education or to care for family members could, to the extent that it is both accurate in general or in a particular case and relevant to the granting of the leave concerned, be taken into account.

The concern expressed by one government that access to the various types of leave should extend only to permanent part-time workers similarly seems to be covered by the concept of "equitable" access: where for justifiable reasons an entitlement does not apply to full-time casual workers, the provision would not require its extension to part-time casual workers.

One government and one workers' organization suggested that the provision under this question be included in the proposed Convention. This suggestion was not followed by the Office because the types of leave referred to under this provision are far from universal in their application.

Finally, one government proposed that this provision be implemented over a reasonable period of time. Since the terms of a Recommendation are not mandatory, the Office has not considered it necessary to make particular provision for progressive implementation.

Should the Recommendation provide that, where appropriate, the same rules should apply to part-time workers as to other workers in the branch or establishment concerned with respect to the scheduling of annual leave and of work on customary rest days and public holidays? **Qu. 23**

Total number of replies: 60.

Affirmative: 49. Australia, Austria, Barbados, Bolivia, Brazil, Burundi, Chad, Chile, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Mexico, Morocco, Netherlands, New Zealand,

Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Zambia.

Negative: 7. **Bangladesh, Bahrain, Ireland, Japan, Sri Lanka, United Kingdom, United States.**

Other: 4. **Belarus, Canada, Malta, Syrian Arab Republic.**

Australia. ACCI: Yes.

Bahrain. GCBW: Yes.

Belarus. Yes, as far as possible.

Brazil. CNC: No.
CNT: Yes.

Canada. Yes, but bearing in mind that many part-time workers are recruited specifically to fill in on days when full-time workers are absent.

Denmark. DA: This seems unnecessary, but its implementation would not cause difficulties in Denmark.

Egypt. Employers: Through collective bargaining.
Workers: Yes.

Gabon. CGSL: Yes.

Germany. BDA: Yes.
DGB: Yes.

Islamic Republic of Iran. Yes, in accordance with the work performed.

Ireland. See reply to Question 21.
ICTU: Yes. The words "where appropriate" should be deleted.

Italy. CONFINDUSTRIA: Yes.
UIL: Yes.

Malaysia. MLO: Yes.

Malta. (Questions 23 and 24) Yes, but only for regular part-time workers.

Mexico. CONCAMIN: Yes.

Netherlands. RCO: Yes, on the basis of equality.
FNV: Yes.

New Zealand. NZEF: Yes.

Nicaragua. ATC: Yes.

Norway. LO: Yes.

Panama. CONEP: No.

Papua New Guinea. EFPNG: Yes.

Poland. CPE: Part-time workers should be treated the same way as other workers. However, in the organization of annual leave, the fact that a person works part time should be taken into account.

Romania. FRATIA: Yes.

Syrian Arab Republic. It may be advisable to draw up special rules for part-time workers.

United Kingdom. No. These are matters for agreement between employers and employees, provided there is no unlawful discrimination.

CBI: This would be impossible to apply as work on customary rest days and public holidays is the norm for many part-time workers.
TUC: Yes.

United States. **USCIB**: No.

The great majority of replies to this question were in the affirmative. Those which gave a reason for a negative reply preferred that the matter be left to collective bargaining. Two replies drew attention to the fact that many part-time workers are hired specifically to fill gaps, especially on customary rest days and public holidays, when full-time workers are absent. The proviso "where appropriate" seems to offer the necessary flexibility to take account of such circumstances.

The question has been incorporated, without amendment, in *Point 24* of the Proposed Conclusions.

Should the Recommendation provide that the access of part-time workers to training and career advancement should be encouraged, in particular through: **Qu. 24**

(a) the adaptation of training programmes to the specific constraints faced by part-time workers?

(b) the adoption of personnel policies that facilitate their promotion and occupational mobility?

Clause (a):

Total number of replies: 58.

Affirmative: 52. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Gabon, Hungary, Islamic Republic of Iran, Italy, Kuwait, Malaysia, Morocco, Myanmar, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Uruguay, Venezuela, Zambia.

Negative: 3. Indonesia, Japan, Jordan.

Other: 3. Finland, Germany, Malta.

Clause (b):

Total number of replies: 57.

Affirmative: 52. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Gabon, Hungary, Islamic Republic of Iran,

Italy, Kuwait, Malaysia, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United States, Uruguay, Venezuela, Zambia.

Negative: 3. Indonesia, Japan, Jordan.

Other: 2. Finland, Malta.

Australia. (a) Yes. The adaptation of training programmes to the needs of part-time workers is important in view of the difficulty which they have in attending training because of working hours and personal constraints. See also reply to Question 9 (1) (e).
ACCI: Yes, where practicable.

Austria. BGW: Special promotional measures are in no way necessary.

Bahrain. GCBW: Yes.

Bolivia. Yes, in order to encourage the switch to full-time employment.

Brazil. CNC and CNT: Yes.

Chile. Yes. Part-time workers should have equal opportunities and treatment as regards access to training and promotion.

Denmark. DA: (a) It would be useful to encourage in a Recommendation the implementation of training activities for part-time employees.
LO: The question wrongly assumes that some restrictions exist in relation to part-time work.

Finland. Only the Preamble should appear in the Recommendation.

Gabon. CGSL: Yes.

Germany. (a) While equality of treatment at the enterprise level should be mandatory, it may be difficult in practice, for economic and organizational reasons, to adapt the place, timing and other aspects of training programmes to the specific constraints faced by part-time workers. At most, the Recommendation could provide that, in addition to existing general training programmes, appropriate training programmes for part-time workers should be arranged to the extent possible.
DGB: Yes.

Hungary. Yes. Part-time work should not be grounds for discrimination.

Ireland. ICTU: Yes.

Italy. CONFINDUSTRIA: Yes.
UIL: Yes.

Japan. No. The provision should be limited to giving consideration to the education, training and career advancement of part-time workers. (a) The meaning of "specific constraints" and "adaptation of training programmes" should be clarified. As the adaptation of training programmes will depend on the situation of the part-time workers, it should be dealt with according to national practice. (b) Personnel policies are a matter for the employer's judgement.
RENGO: Yes; this provision should be placed in the proposed Convention.

Kuwait. Yes, because ability does not depend on the full-time or part-time status of the worker.

Malaysia. MLO: Yes.

Mexico. CONCAMIN: (a) Yes.

Morocco. (b) Yes. The management of personnel matters that facilitate their promotion and occupational mobility.

Netherlands. RCO: (a) Yes. (b) Yes, but on the basis of the principle of equality with full-time workers.

New Zealand. NZEF: Yes.

Nicaragua. ATC: Yes.

Norway. LO: Yes.

Panama. CONEP: (a) Yes. (b) Yes, provided there is access to education and the vocational training is real.

Poland. CPE (Questions 24 to 26): See observations under Questions 6, 9 and 10.

Portugal. CIP: (a) No objection, provided these measures do not result in any extra expenditure for enterprises. (b) No. This matter should not be included in the Recommendation since legal restrictions should not be imposed on enterprises in the sphere of personnel policy.

Romania. FRATIA: Yes.

Sweden. The Recommendation should be aimed at achieving equality of treatment, including equal access by part-time workers to training programmes, promotion and occupational mobility.

Tunisia. Yes, with a view to facilitating adaptation to part-time work, to improving occupational qualifications and encouraging the promotion and access of part-time workers to full-time employment.

United Kingdom. (a) Yes. The availability of part-time training and work is important for women because they continue to bear most of the responsibility for domestic commitments.
CBI: (a) Yes, where appropriate.
TUC: Yes.

United States. USCIB: (a) No, this would often be impossible. (b) No.

Uruguay. Employers: Yes; there should be no difference vis-à-vis other workers.

Both clauses of Question 24 received a very substantial majority of affirmative replies. Some replies noted that such measures would also help part-time workers to obtain full-time employment, where desired. As some governments pointed out, the underlying aim of the question was to provide practical measures to achieve equality of treatment and opportunity for part-time workers in relation to training and career development.

While the specific constraints often faced by part-time workers in attending training programmes were generally acknowledged, reference was also made to the potential practical difficulties which employers might encounter in adapting training programmes to those constraints. Two replies cautioned against imposing legal obligations on the personnel policies of enterprises.

On the basis of the above suggestions, and the proposal by one government for a less detailed provision, the Office has amended the text so as to emphasize, more simply, appropriate measures to overcome specific constraints on access to the proposed measures. These amendments are incorporated in *Point 25* of the Proposed Conclusions.

PROMOTION OF PART-TIME WORK

Qu. 25 *Should the Recommendation provide that social security provisions that may discourage recourse to or acceptance of part-time work should be adapted or eliminated, in particular:*

(a) those that result in proportionately higher contributions?

(b) those that excessively reduce the unemployment insurance benefits of unemployed workers who accept part-time jobs?

(c) those that, in the calculation of pension benefits, overemphasize the reduced income from part-time work during the period preceding retirement?

Clause (a):

Total number of replies: 60.

Affirmative: 47. Austria, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, Chile, China, Cuba, Cyprus. Czechoslovakia, Denmark, Egypt, Finland, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malta, Morocco, Netherlands, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela.

Negative: 7. Bahrain, Congo, Gabon, Germany, New Zealand, Romania, Zambia.

Other: 6. Australia, Malaysia, Mexico, Sri Lanka, Syrian Arab Republic, United States.

Clause (b):

Total number of replies: 58.

Affirmative: 40. Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Canada, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Hungary, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malta, Morocco, Netherlands, Norway, Panama, Papua New Guinea, Poland, Qatar, Saudi Arabia, Slovenia, Sudan, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay.

Negative: 8. Austria, Bahrain, Gabon, Indonesia, Japan, New Zealand, Romania, Venezuela.

Other: 10. Australia, Chile, Germany, Greece, Malaysia, Mexico, Spain, Sri Lanka, Syrian Arab Republic, United States.

Clause (c):

Total number of replies: 58.

Affirmative: 44. Austria, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Canada, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia,

Denmark, Egypt, Finland, Greece, Hungary, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malta, Morocco, Netherlands, Norway, Panama, Papua New Guinea, Poland, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Suriname, Swaziland, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Zambia.

Negative: 6. Bahrain, Gabon, Germany, Indonesia, New Zealand, Romania.

Other: 8. Australia, Belgium, Chile, Malaysia, Mexico, Sri Lanka, Syrian Arab Republic, United States.

Australia. The provisions are not relevant in the Australian context.
ACCI: Yes.

Bahrain. GCBW: (c) Yes.

Barbados. (b) Yes. Unemployment benefits should not be reduced if a person accepts part-time work of less than a limited number of days per week.

Belgium. (a) Yes. To help meet the costs of unemployment benefit paid to involuntary part-time workers, a specific supplementary contribution could be established for employers who take on such workers. (b) Yes. Unemployment benefits could however be limited so as to discourage concurrent drawing. (c) Provision might be made for old-age benefit which is proportional to working time for persons who have chosen to work part time only throughout their working lives.

Brazil. CNT: Yes.

Chile. (a) Yes, social security provisions resulting in proportionately higher contributions for part-time workers should be modified and brought in line with the rate paid by full-time workers. (b) and (c) However, the amounts of the unemployment insurance and old-age pension benefits should be directly related to remuneration and social security contributions.

Colombia. CGTD: No.

Congo. (b) and (c) These measures are necessary, although not in the context of the promotion of part-time work.

Denmark. DA: In principle, legislation on social security schemes should not have an overall influence on incentives to take up part-time work.
LO: See reply to Question 6.

Egypt. Employers: This should be left to collective bargaining.

Gabon. (Questions 25 to 27) Latitude should be left to member States following consultation with employers' and workers' organizations.

Germany. (a) No. Since unemployment benefits are designed to provide the necessary means of subsistence, it is reasonable to set an upper income limit for the calculation of contributions and benefits. As income above this limit is not subject to contributions, full-time workers may pay proportionately lower contributions than part-time workers. (b) An unemployed worker who accepts part-time work beyond a certain number of hours per week ceases to be considered as unemployed, and therefore loses entitlement to unemployment benefits.
BDA: (c) Yes. Benefits should relate to contributions throughout working life. A reduction in working time in the period preceding retirement would accordingly not be overemphasized in the calculation of pension benefits.
DGB: Part-time workers should be fully covered by social security.

Greece. (b) A reduction in unemployment benefits proportional to working time would be fair.

Islamic Republic of Iran. Yes. Social security regulations should not act as an obstacle.

Ireland. ICTU: Yes.

Italy. CONFINDUSTRIA: (b) and (c) Proportionality should be ensured.

Japan. (b) No, if this question proposes to establish entitlement to certain unemployment benefits for workers who are engaged in part-time work.
RENGO: Yes, but in the proposed Convention. The heading "Promotion of part-time work" should be changed to "Improving national systems and policies for workers who voluntarily prefer part-time work".

Malaysia. They should be adapted. Any payment should be on a pro-rata basis.
MLO: The social security provisions should be adapted and not necessarily totally eliminated.

Mexico. (a) This should depend on the economic situation of the social security institutions and should not affect the resources of full-time workers. (b) and (c) Not applicable in Mexico.
CONCAMIN: Yes.

Netherlands. RCO: These matters should be dealt with on the basis of the principle of equality with full-time workers. In some cases, the employee may have to pay higher contributions or receive lower unemployment benefits.

Panama. CONEP: (a) Yes. (b) They should be adapted proportionally. (c) Pension benefits should be proportional to workers' contributions.

Papua New Guinea. Any social security provisions deemed unfair should be eliminated.

Portugal. CIP: (a) Yes. (b) and (c) No, on the basis of equity.

Spain. (b) Given the nature of unemployment insurance benefits, it is logical that an unemployed worker benefiting from insurance and who accepts part-time work should suffer a reduction in benefits equal to the proportion of time worked. (c) Yes, but "overemphasize" is too ambiguous.

Sri Lanka. Contributions and benefits should be determined proportionately.

Sweden. Part-time workers should not be penalized by having to pay contributions which are proportionately higher than those paid on earnings by full-time workers.

Syrian Arab Republic. The adaptation of social security provisions requires a study of the practical situation in each country. Notwithstanding Question 9, special social security provisions should apply to part-time workers.
Chamber of Industry: (a) and (c). Yes. (b). Yes, if national legislation provides for unemployment insurance.

Turkey. TISK (Questions 25 to 30): See under the General Observations.

United Kingdom. CBI: (a) Yes. (b) Further clarification is needed. (c) Yes.
TUC: (b) and (c) Yes.

United States. It would be appropriate to recommend against social security provisions which discourage part-time work, and especially flat-rate contributions that result in proportionately higher contributions by part-time workers, as well as provisions which excessively reduce social security benefits as a result of temporary periods of part-time work. On the other hand, it seems unrealistic to expect countries to modify their basic social security financing provisions for the purpose of promoting part-time employment.
USCIB: Yes.

Uruguay. Workers: This is not related to the promotion of part-time work. Such measures should not be eliminated but only adapted.

The large majority of replies to Question 25 were in the affirmative and the substance of this question has been incorporated, practically without amendment, in *Point 26* of the Proposed Conclusions. It will be noted, however, that the introductory phrase now refers only to the adaptation of the provisions of statutory social security schemes that may discourage recourse to or acceptance of part-time work, in accordance with the wording in Point 12 (a) of the Proposed Conclusions with a view to a Convention.

The adaptations recommended in clause (a) concern countries in which social security contributions are calculated only up to a ceiling on wages, which makes part-time work more onerous than full-time work. They might consist in fixing ceilings which are proportional to hours of work calculated on different bases — by the hour, week, or month — so as to neutralize the effect of the shorter hours of part-time workers. The solution which is the most favourable to the employment of part-time workers as well as of the least skilled workers, who account for the largest number of personnel in some enterprises, would clearly be to raise the level of the ceiling or even to abolish it altogether.

The adaptations suggested in clause (b) clearly concern only countries which have an unemployment benefit scheme. They imply, in the case of an unemployed person who accepts part-time work temporarily, while still remaining a full-time jobseeker, that the simultaneous holding of this part-time job and the receipt of unemployment benefit should be accepted — and not discouraged as proposed by one government — so as to avoid condemning unemployed persons to total inactivity and to ensure that the amount of unemployment benefit paid is not a disincentive to work. These adaptations could be based on Paragraphs 12 and 15 of the Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176), and consist of: (i) reducing the level of unemployment benefit only to such a level that the benefit and the earnings from part-time work combined come to a sum between the amount of the former earnings from full-time work and the amount of the full unemployment benefit; (ii) guaranteeing that the amount and the duration of unemployment benefit paid at the end of the part-time employment, if it has not been possible to provide any suitable full-time employment, will not be adversely affected by the earnings which the unemployed person has derived from the part-time employment.

The adaptations suggested in clause (c) concern countries in which the earnings taken into account in the calculation of old-age benefits are an average of those received by the worker over the years immediately preceding retirement. This form of calculation clearly discourages persons who have worked full time for most of their active lives from taking up part-time work during the final years of their activity. A possible adaptation could be, for example, to prolong the reference period used for establishing the average earnings, subject to the maintenance of the value of these earnings by the application of appropriate adjustments.

Another formula would be to weight the value of earnings used for the calculation of the pension proportionately to the time worked throughout the entire period during which the worker has paid contributions to the pension fund; thus, a worker who has worked full time for 20 years and then part time

for 20 years would be considered as having worked on average 75 per cent of full time throughout the 45 years of contributions to the pension fund.

Qu. 26 *Should the Recommendation provide that consideration should be given to using unemployment insurance or other public funds to wholly or partly finance the extra social security, training or other costs faced by employers in hiring part-time workers or in transferring workers who so request from full-time to part-time work?*

Total number of replies: 59.

Affirmative: 25. Belarus, Bolivia, Burundi, Canada, Chad, China, Cyprus, Czechoslovakia, Egypt, Islamic Republic of Iran, Italy, Kuwait, Malaysia, Malta, Morocco, Poland, Qatar, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Swaziland, Turkey, United Arab Emirates, Venezuela.

Negative: 27. Australia, Austria, Bahrain, Bangladesh, Belgium, Brazil, Congo, Denmark, Finland, Gabon, Germany, Greece, Indonesia, Jordan, Netherlands, New Zealand, Norway, Panama, Portugal, Spain, Sudan, Sweden, Syrian Arab Republic, Tunisia, United States, Uruguay, Zambia.

Other: 7. Barbados, Chile, Hungary, Japan, Papua New Guinea, Romania, United Kingdom.

Australia. No; since substantial benefits accrue to employers who hire part-time workers, the costs ought to be borne by the employers. There will not necessarily be additional costs and in many cases there could be a cost reduction.
ACCI: No.

Bahrain. GCBW: Yes.

Barbados. Unemployment insurance should not be used to finance extra costs.

Brazil. CNT: By public funds.
CNC: Yes.

Canada. Yes, but consideration should be given to the risk that undue pressure could be exerted by some employers on full-time workers to reduce their hours.

Chile. The possibilities of financing to which the question refers should depend on the existing mechanisms in member States.

Colombia. CGTD: No, responsibility should remain directly with the employer.

Gabon. CGSL: Yes, to wholly finance the extra costs in question faced by employers who transfer workers to full-time employment at their request.

Germany. BDA: Unemployment insurance should not be used for this purpose, although other public resources could be used.
DGB: No, since part-time work offers employers an economic benefit.

Hungary. Such promotional measures would be reasonable, particularly when part-time employment is introduced in the public interest.

Ireland. ICTU: Use of public funds or unemployment insurance to subsidize employers would not be acceptable.

Japan. The provision should be flexible to enable other means to be adopted.
RENGO: Yes.

Kuwait. Yes, because these funds may help the development of the permanent workforce of the enterprise.

Malaysia. Yes, provided that employers contribute to the unemployment insurance or the public funds.
MLO: Yes.

Mexico. CONCAMIN: No.

Netherlands. No. This seems to go very far, even for a Recommendation.
RCO: No. Costs are costs irrespective of who is paying for them.

Nicaragua. ATC: Yes.

Papua New Guinea. Yes, but only where such funds are available.

Portugal. CIP: Yes, as long as there is no increase in costs for enterprises.

Romania. Yes, but only for the recuitment of part-time workers.
FRATIA: Yes.

Sri Lanka. Yes, mainly through insurance schemes.

Syrian Arab Republic. No, because of the diversity of national social security laws.
Chamber of Industry: Yes.

Tunisia. No. Most developing countries do not have an unemployment insurance scheme or the necessary resources to establish new public funds.

Turkey. Yes, as far as public funds are concerned.

United Kingdom. Where appropriate, in the case of other public funds but not unemployment insurance in the sense of the United Kingdom's unemployment benefit, which may be used only for that specific purpose.
CBI: This may be appropriate in certain cases, but the possibility of labour market distortions should be considered.

United States. No. By national tradition, extraordinary costs of employment borne by the employer are not subsidized, except in the case of unemployment tax credits.
USCIB: Yes.

Zambia. No. This would place a heavy burden on the economies of developing countries and their employers.

In view of the very mixed response to this question, no corresponding provision has been included in the Proposed Conclusions.

Qu. 27

(1) Should the Recommendation provide that special consideration should be given to:

(a) requests by workers for transfer from full-time to part-time jobs that become available with the same employer?

(b) requests by workers for transfer from part-time to full-time jobs that become available with the same employer?

(2) Should the Recommendation provide that the employer should provide timely information of the availability of part-time and full-time positions in order to facilitate transfers from full-time to part-time work and vice versa?

Paragraph 1 (a):

Total number of replies: 61.

Affirmative: 46. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Egypt, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Italy, Japan, Jordan, Malaysia, Malta, Morocco, Myanmar, Netherlands, New Zealand, Norway, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates.

Negative: 9. Denmark, Gabon, Ireland, Panama, Spain, Sudan, United States, Uruguay, Zambia.

Other: 6. Canada, Cuba, Finland, Mexico, United Kingdom, Venezuela.

Paragraph (1) (b):

Total number of replies: 61.

Affirmative: 51. Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Egypt, Germany, Greece, Hungary, Indonesia, Islamic Republic of Iran, Japan, Jordan, Kuwait, Malaysia, Malta, Morocco, Myanmar, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, Uruguay, Venezuela, Zambia.

Negative: 5. Denmark, Gabon, Ireland, Sudan, United States.

Other: 5. Canada, Cuba, Finland, Mexico, United Kingdom.

Paragraph 2:

Total number of replies: 56.

Affirmative: 47. Australia, Austria, Bangladesh, Barbados, Belarus, Bolivia, Brazil, Burundi, Chad, Chile, China, Congo, Cuba, Cyprus, Egypt, Germany, Hungary, Indonesia, Islamic Republic of Iran, Japan, Jordan, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Tunisia, United Arab Emirates, Turkey, Uruguay, Venezuela, Zambia.

Negative: 6. Denmark, Gabon, Ireland, Kuwait, Sudan, United States.

Other: 3. Canada, Papua New Guinea, United Kingdom.

Australia. (1) (a) Yes. These provisions add to the flexibility of employment and so benefit both employer and worker. (b) Yes, but "special consideration" should not mean preference.

ACCI: Yes.

Austria. BGW: There is no need for special promotional measures.

Bahrain. GCBW: (1) (b) and (2) Yes.

Belgium. (1) (b) Special attention should be given to the possibility for a worker who so wishes to increase his hours according to his or her possibilities and the needs of the enterprise. This is not necessary in the case of workers who receive a social security allowance in addition to their remuneration.

Bolivia. Yes. It is an example of a good system of personnel management.

Burundi. (1) (a) Yes, when conditions in the establishment so permit.

Canada. (Questions 27 to 29) These are "motherhood statements" which could be accepted in a Recommendation, with account being taken of the practical difficulties which may impede their implementation. Since, however, such measures are a function of conditions within the various establishments and do not always lend themselves to legislation, their inclusion in a Recommendation is questionable.

Chile. Yes, as long as transfers are voluntary.

Colombia. CGTD: (1) (a) No. No full-time worker would voluntarily accept transfer to a part-time job. (b) The Recommendation should provide that transfers should be agreed upon by the union, the worker and the enterprise. (2) Yes. This information should always be available to the union, and the decision should be taken in agreement with the worker.

Congo. Yes, mutual agreement is sufficient in all cases.

Cuba. (1) This provision should not lead to a reduction in the job stability of full-time workers.

Denmark. These matters should be negotiated by the social partners.
DA: No.
LO: (1) These requests should take due account of any applicable collective agreement. (2) Such voluntary transfers are not possible under collective agreements concluded by the LO.

Finland. Active transfer from full-time to part-time work should not be a general objective of employment policy. Transfer from part-time to full-time jobs should, as far as possible, be made flexible as should the right of workers to change temporarily from full-time to part-time employment.

Gabon. CGSL: (1) (a) This is impossible. (b) Yes. (2) Yes, but only as regards full-time jobs.

Germany. (1) Yes. These requests should be taken into account within the scope of opportunities available in the enterprise.
BDA: (1) Yes, in principle, provided that such transfers are not inconsistent with the interests of the enterprise.
DGB: (1) (b) Yes, provided that there is a right to reinstatement in a full-time job.

Ireland. (Questions 27 and 28) The transfer of workers from full-time to part-time work is normally the subject of discussion and agreement between employers and employees and is not covered by legislation.
ICTU: Yes.

Italy. CONFINDUSTRIA: (1) Yes. (2) Not necessary.
ASAP: (1) The occupational requirements of the job should also be taken into account.
UIL: Yes.

Japan. Yes, by means which are consistent with national conditions.

RENGO: (1) Involuntary transfer from full-time to part-time work should be prohibited. In recruiting full-time workers, the employer should give preference to part-time workers who are currently engaged in the work concerned.

Kuwait. (1) (b) Yes, in order to secure a regular and skilled workforce.

Mexico. (1) According to local practice, with preference being given to full-time work.

CONCAMIN: Yes.

Netherlands. (2) Yes, in principle, but only in a general manner.

RCO: (1) This is a normal aspect of personnel policy, provided that the worker is qualified for the job. (2) Yes, although unexpected departures may require exceptions being made.

FNV: There should be greater opportunities for workers to change voluntarily the number of hours they work.

Nicaragua. ATC: (2) Yes.

Panama. CONEP: (1) (a) No. There is no reason to pay special attention to this case, which would be self-defeating. (b) No. This is self-evident and there is no need for regulation. (2) The provision is unnecessary and is a reformulation of the previous question.

Papua New Guinea. (1) (a) Yes, provided they are made fully aware of their new terms and conditions of work as part-time worker, e.g. proportionate wages, benefits and protection. (b) Yes, subject to the availability of full-time jobs. (2) The decision to employ a worker on either a full-time or a part-time basis should remain the prerogative of the employer.

Poland. CPE: No, decisions should be taken autonomously by the employer.

Portugal. CIP: (1) No, since preferential treatment could have negative effects on the productivity and competitiveness of the enterprise.

Slovenia. Chamber of Commerce: (1) (b) This would impede labour market flexibility and is not in line with the operational requirements of enterprises for greater freedom in distributing hours of work.

Tunisia. (1) Yes, to help these workers solve their problems and meet their needs while taking account of the interests of the establishment. (2) The text of the Recommendation would be improved if it stipulated that the employer should provide such information.

United Kingdom. Such matters should be for employers and employees to agree between themselves without government intervention.

CBI: (1) Yes, where possible, provided workers fulfil the necessary requirements. (2) Yes, where practical.

TUC: (1) Yes, since an objective of the Recommendation should be to broaden the choice of working time available to individual employees. (2) Yes.

United States. (Questions 27 to 29) This issue should be left to collective bargaining and the socio-economic structure of each member State.

USCIB: (1) No, as this depends on local circumstances affecting the employer, the interests and qualifications of the worker and the nature of the full-time and part-time jobs. (2) Yes, but only as a general principle.

Venezuela. (1) (a) Yes, as long as this does not affect remuneration. (b) Yes, provided they are paid the full-time wage. (2) Yes. This information should be given to the union or the Ministry of Labour or should be publicly available at the enterprise.

Uruguay. Employers: No.

A significant majority of replies to both clauses of paragraph 1 agreed with these provisions, aimed at giving workers greater choice in their working time

arrangements. Not surprisingly, in view of the greater importance placed on full-time work, some replies expressed reservations about transfers from full-time to part-time work. However, as the question concerns such transfers only where they are voluntary, these reservations do not seem to call for a revision of the provision. One workers' organization proposed a right to reinstatement in a full-time job. This issue and the circumstances that may warrant such a right are addressed under Question 28 below.

Some governments considered that this matter should be negotiated by the social partners or that such measures do not always lend themselves to legislation. The Office notes that, in accordance with Point 5 of the Proposed Conclusions, the provision could be applied through collective agreements or other appropriate means.

Many replies by governments and employers' organizations pointed out that the consideration which should be given to requests for transfer from full-time to part-time work or vice versa will depend on a number of factors, including the employer's needs and the interests and qualifications of the worker. Since consideration by an employer of such requests will inevitably take account of these factors it seems unnecessary to refer specifically to them. One workers' organization proposed that transfers from part-time to full-time work should be agreed between the union, the worker and the enterprise. The Office has not adopted this suggestion, which would not seem to promote part-time work.

The question of whether "special consideration" means preference is highlighted by some replies. The provision seems to be meaningful only if it creates a preference at least to the extent that, other factors being equal, the worker concerned would be accepted by the employer for the vacancy; however, it clearly falls short of creating a right to such transfer.

The question, with a slight amendment to paragraph 2 to clarify to whom information should be provided by the employer, is reflected in *Point 27* of the Proposed Conclusions.

Should the Recommendation provide that where national or establishment-level conditions permit, workers should be given the right to transfer to part-time work and subsequently to return to full-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick dependant? **Qu. 28**

Total number of replies: 62.

Affirmative: 47. Australia, Austria, Bahrain, Bangladesh, Belarus, Bolivia, Burundi, Chad, Chile, China, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, Finland, Gabon, Hungary, Islamic Republic of Iran, Italy, Jordan, Kuwait, Malaysia, Malta, Mexico, Morocco, Myanmar, New Zealand, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, Uruguay, Venezuela, Zambia.

Negative: 7. Belgium, Brazil, Indonesia, Ireland, Sri Lanka, Sudan, United States.

Other: 8. Barbados, Canada, Congo, Germany, Japan, Netherlands, Spain, Sweden.

Australia. Yes, subject to agreement between the parties: the qualification "where national or establishment-level conditions permit" gives necessary and adequate protection for employers. Return to full-time work should be at the same level.
ACCI: No. A right should not be specified, although special consideration might be given.

Austria. VÖI: Changes in the duration and arrangement of working time should, except in cases of necessity, be possible only on the basis of the agreed contract of employment.
BGW: No to the establishment of a unilateral right to part-time employment.

Barbados. If this is provided for by national legislation.

Belgium. It would be difficult, even in these particular circumstances, to recognize a right to part-time work.

Brazil. CNT: Yes.

Chile. Yes, without prejudice to the existing rights of pregnant women to be transferred from work which may endanger their health to other work.

Colombia. CGTD: No. The Colombian Labour Code has established clear provisions on this subject.

Congo. If this is provided for by national legislation.

Denmark. Yes, provided that it can be agreed upon by the social partners.
DA: No.
LO: Such a right should be exercised with due respect for relevant collective agreements.

Egypt. Employers: This should be left to collective bargaining.

Germany. No general right should be created: part-time work should be the subject of a contractual agreement between employer and worker. However, an option in favour of part-time work and possible reinstatement in a full-time job, to meet specific family responsibilities, would be welcome provided that the legitimate interests of the employer are taken into account.
BDA: Yes, provided that the right may be exercised only if establishment-level conditions permit.
DGB: Yes. See the reply to Question 10.

Islamic Republic of Iran. If conditions permit, this would be very advantageous.

Ireland. ICTU: Yes.

Italy. CONFINDUSTRIA: This should be a possibility rather than a right.

Japan. It should be prescribed as a matter which the employer should consider on a preferential basis, where national or establishment-level conditions permit.
RENGO: Yes. This provision should be placed in the Convention.

Mexico. CONCAMIN: Yes, according to national law and practice.

Netherlands. Issues such as the right to work part time as a form of parental leave need careful regulation and cannot be easily implemented in the general way proposed.
RCO: Employers cannot guarantee such a right but should consider the possibility.
FNV: Yes. This should be regulated according to national practice.

Nicaragua. ATC: Yes.

Panama. Yes, but with reservations because of the risks involved for employer-employee relations.

CONEP: Yes.

Papua New Guinea. Yes, but only in valid cases such as pregnancy, maternity leave or the need to care for a sick or disabled person.

EFPNG: Yes, strictly on a valid case-by-case basis.

Poland. CPE: Not excluded if compatible with efficient work processes, but it should not be a personal right.

Portugal. CIP: To the extent that conditions in the establishment permit.

Spain. Reduction of working hours should be permitted only in specific cases, such as the need to take care of a young child or a disabled person. Pregnancy should not in general be a cause for reduced working hours. The right to return to full-time work cannot be accepted since it may considerably affect the organization of work.

Sri Lanka. No, since such a provision may well be abused by the employer.

Sweden. In accordance with national law and practice.

United Arab Emirates. Yes, with special consideration being given to certain categories of workers such as women, workers with disabilities and older workers.

United Kingdom. CBI: No, while this approach may be desirable, it should not be included in any international instrument.

United States. USCIB: No, this is governed by national law and practice.

Uruguay. Employers: No.

Venezuela. Yes, according to prior agreement, provided that the transfer to part-time work does not result in less favourable pay conditions and that a transfer to full-time work entails increased remuneration.

A large majority of replies to this question were in the affirmative. Several governments and employers' organizations, while rejecting the notion of a right of workers to transfer to part-time work and subsequently to return to full-time work in justified cases, were in favour of such an option, or of consideration being given on a preferential basis, provided that the employer's interests were taken into account as well. The Office has none the less retained the wording of the provision since, as pointed out by one government, the qualification "where national or establishment-level conditions permit" seems to give necessary and adequate protection for employers. In fact, such a transfer could occur only by agreement between the parties. In response to the concern of another government that the right to work part time as a form of parental leave cannot easily be implemented in the general way proposed, it is recalled that the detailed implementation of the general principles established by the Recommendation would be up to each member State.

The right to return to full-time work was rejected by one government because of the implications for the organization of work. Removal of this right from the provision would fundamentally change the nature of the measure and, in view of the overall level of support for the provision, the Office has retained the reference to a return to full-time work in the Proposed Conclusions.

One government suggested that special consideration should be given to certain categories of workers such as women, workers with disabilities and older workers. However, the aim of the provision is to address the specific and

temporary circumstances with which a worker might be faced, rather than to provide for special consideration according to the characteristics of the worker.

Another government pointed out that such a provision should be without prejudice to existing rights of pregnant women to be transferred from work that might endanger their health to another full-time job. Since the provision gives the worker the initiative to request a transfer to part-time work, and considering that Point 4 of the Proposed Conclusions specifies that these instruments would not affect the applicability of more favourable provisions under other ILO instruments, the reference to pregnancy as an example of the circumstances that might justify such a request has been retained.

The provision is incorporated as *Point 28* of the Proposed Conclusions.

Qu. 29 *Should the Recommendation provide that where obligations on employers depend on the number of their employees, the number of part-time workers should be calculated pro rata, by reference to their hours of work, in determining the applicability of such obligations to a specific employer, except in cases where this would not be appropriate, in particular for reasons of occupational safety and health?*

Total number of replies: 60.

Affirmative: 39. Bahrain, Bangladesh, Barbados, Belarus, Bolivia, Burundi, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Egypt, Hungary, Indonesia, Islamic Republic of Iran, Italy, Malta, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Norway, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Tunisia, Turkey, United Arab Emirates.

Negative: 12. Austria, Brazil, Denmark, Finland, Gabon, Kuwait, Malaysia, Panama, Sudan, United States, Uruguay, Zambia.

Other: 9. Australia, Belgium, Canada, Germany, Japan, Papua New Guinea, Syrian Arab Republic, United Kingdom, Venezuela.

Australia. Care is needed to ensure that protection applies to both full-time and part-time workers, and that employers are not encouraged to use casual and part-time employment to avoid obligations. Exceptions, including for reasons other than occupational health and safety, should be considered and defined.

ACCI: Yes.

Bahrain. GCBW: No.

Belgium. The Recommendation should only establish the principle that account should be taken of part-time workers. National legislation should determine the calculation methods. Thus, in Belgium, for practical reasons related to calculation and supervision, the principle of proportionality is not fully applied in the establishment of representative bodies.

Brazil. CNT: Yes.

Chile. Yes, but the Recommendation should be flexible enough for the interested parties to agree on other methods.

Colombia. CGTD: No, this provision is not sufficiently clear.

Denmark. LO: The consequences of such provisions are difficult to evaluate but pro rata counting would be inappropriate in fields other than safety and health, such as co-determination.

Egypt. Employers: This should be left to collective bargaining.

Germany. Workers whose working time is less than a specified number of hours per week need not be counted. On the other hand, for some purposes the number of individuals in the enterprise is more relevant than their working time. A pro rata calculation of the number of part-time workers with disabilities would not contribute to their advancement, so employment of such workers on a part-time basis should count equally with full-time employment for the purpose of meeting employers' obligations to employ workers with disabilities.
BDA: Yes, in principle.
DGB: No.

Ireland. ICTU: The intention of this provision is not very clear.

Japan. In some cases it may be appropriate to exclude completely part-time workers whose working hours are very short, whereas in other cases part-time workers should be counted in full. The provision should enable matters to be excluded other than for safety and health reasons or there should be no such exclusion.
RENGO: Pro rata calculation of the number should be subject to the agreement of the workers' representatives.

Malaysia. MLO: Yes.

Netherlands. FNV: No. Obligations should be based on the number of persons employed.

Nicaragua. ATC: Yes.

Papua New Guinea. Application to establishments employing part-time workers for short and irregular periods would create difficulties.

Portugal. CIP: No, in as far as part-time work is generally of a transitory nature.

Spain. Yes, as a minimum. In some cases part-time workers should be counted in full.

Syrian Arab Republic. The meaning and practical application of this question are not clear.
Chamber of Industry: Yes.

Tunisia. The Recommendation should also establish the possibility of counting part-time workers as full-time workers for other purposes, for example for the establishment of the representative body of workers in the enterprise.

United Kingdom. In the United Kingdom, although some rights may be confined if the employer is a small one, there is no differentiation based on full- or part-time status. Current national legislation is more favourable than the provision proposed here for inclusion in the Recommendation.
TUC: The Congress is opposed to exclusions based on the number of employees in an enterprise.

United States. USCIB: No. Such complicated details are inappropriate in ILO instruments.

Uruguay. No, each part-time worker should be counted as a full-time one.
Employers: No.

Venezuela. Proportionality should apply in all cases.

While this question received a significant majority of positive replies, many pointed out the difficulty of trying to define how part-time workers should be taken into account for different purposes, in view of the many factors involved. Some considered that part-time workers should be counted in full not only for cases relating to occupational safety and health, but also for some other purposes. One government also suggested that the type of worker could also be a relevant factor, mentioning in particular the case of workers with disabilities. On the other hand, two governments pointed out that practical considerations may suggest that some workers, such as those working very few hours, should not be taken into account at all. Another government mentioned that in some cases it might be impracticable to apply fully the principle of counting part-time workers pro rata, by reference to their hours of work.

With the aim of clarifying the underlying principle of the question, namely, that the method of counting part-time workers in determining employers' obligations should not act as a disincentive to recourse by employers to part-time work, and of responding to the comments, including those calling for a more simple and flexible approach, the provision has been amended as shown in the Proposed Conclusions *(Point 29)*. Replacement of the requirement to calculate the number of part-time workers pro rata by reference to their hours of work, with the proposal that they should be given less weight than full-time workers, will enable pro rata counting where this would be both appropriate and feasible, but adds flexibility by allowing alternative methods of calculation to be used.

Qu. 30 *Should the Recommendation provide that information should be widely disseminated at various levels on the advantages of part-time work for both employers and workers, on the protective and promotional measures that apply to such work, and on practical arrangements for various part-time work schemes?*

Total number of replies: 61.

Affirmative: 47. Australia, Bahrain, Bangladesh, Belarus, Bolivia, Brazil, Burundi, Chad, China, Congo, Czechoslovakia, Denmark, Egypt, Germany, Hungary, Indonesia, Islamic Republic of Iran, Italy, Japan, Jordan, Kuwait, Malaysia, Morocco, Mexico, Myanmar, Netherlands, Norway, Panama, Papua New Guinea, Poland, Portugal, Qatar, Romania, Saudi Arabia, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, Venezuela, Zambia.

Negative: 9. Austria, Canada, Cuba, Finland, Malta, New Zealand, Sudan, Sweden, Uruguay.

Other: 5. Barbados, Belgium, Chile, Cyprus, Gabon.

Australia. Yes. The benefits of part-time work should be promoted in the context of other objectives, such as a more equitable work environment and the needs of workers with family responsibilities.

ACCI: Yes. Promotion of part-time work and of the removal of barriers to it should be the main purpose of the Recommendation.

Austria. No. Information on the advantages, but not the disadvantages, of part-time work is not in the workers' interests.

BGW: There is no need for special promotional measures.

Barbados. This is desirable but should not be mandatory.

Belgium. Information on part-time work should remain neutral.

Canada. No, this would constitute promotion of part-time employment (see reply to Question 6).

Chile. This matter should be left to the parties concerned in each member State. It should not be mandatory for the government to provide such information.

Colombia. ANDI: Yes.

CGTD: The Confederation does not agree that part-time work has advantages for workers. The proposed standards should therefore refrain from promoting this form of employment.

Cuba. Information should be disseminated on both the advantages and the disadvantages of part-time work from the point of view of workers and employers.

Cyprus. This should be left to the national authorities in accordance with national needs or priorities.

Denmark. LO: No.

Finland. No. See the reply to Question 6 (b).

Gabon. The advisability of such campaigns should be left to the appreciation of member States, many of which do not support the extension of part-time work since there is no pressing need for it at the moment compared with development requirements.

CGSL: Yes.

Germany. BDA: Yes.

DGB: Yes. Information should also be disseminated on the implications for old-age pensions.

Ireland. ICTU: The promotion of part-time work needs to be carefully assessed in the context of equality and overall employment opportunities for full-time employment.

Japan. Yes, because part-time work can be a useful means of coping with labour shortages and offers workers the advantage of a choice between various working time arrangements.

Malta. No. While part-time employment is desirable for those who cannot work full time because of family responsibilities, a general replacement of full-time work by part-time work should not be encouraged.

Netherlands. RCO: Special information on part-time work is not required, although within the enterprise there may be a need for information on particular practical arrangements.

FNV: Yes. This must be accompanied by a policy to transfer forms of marginal work, including on-call contracts, home-based work and work in the informal sector, into regular part-time work.

Nicaragua. ATC: Yes.

Panama. CONEP: The question fails to explain what the "various levels" are. The Council would agree if the nature of the information to be disseminated and the method of its diffusion promote the creation of new permanent jobs rather than reducing, restricting or eliminating part-time jobs.

Poland. CPE: This question is meaningless from the point of view of regulations.

Portugal. Yes. Such information should be clear, precise and objective.
CIP: Yes.

Sri Lanka. Yes. Protective and promotional measures should be adopted without discouraging full-time work.

Syrian Arab Republic. Chamber of Industry: Yes, but the body responsible for this dissemination should be indicated.

Tunisia. Yes, since the promotion of part-time work depends to a large extent on measures to disseminate information and increase awareness.

United Kingdom. TUC: Yes, but only on the basis of part-time jobs being made available to those who want them.

United States. USCIB: Yes, as a general principle.

Uruguay. Employers: Yes.

The replies to this question generally reflected the division of views on the desirability of promoting part-time work. Several governments and workers' organizations proposed that any information disseminated on part-time work should be balanced, covering both the disadvantages and the advantages of part-time work. Others suggested that this type of measure should be left to the parties concerned, according to their priorities. One government favoured the promotion of the benefits of part-time work, but in the context of other objectives, such as the achievement of a more equitable work environment and meeting the needs of workers with family responsibilities.

The Office has preferred to leave open the means and context of the promotion of the advantages of part-time work and, since there was a clear majority of affirmative replies, the question is included without amendment as *Point 30* of the Proposed Conclusions.

V. Special problems

Qu. 31 *(1) Are there any particularities of national law or practice which, in your view, are liable to create difficulties in the practical application of the international instrument(s) as conceived in this questionnaire?*

(2) If so, how would you suggest that these difficulties be met?

Total number of replies: 52.

Affirmative: 20. Australia, Austria, Barbados, Belgium, Burundi, Chile, Cyprus, Denmark, Gabon, Japan, Mexico, New Zealand, Norway, Panama, Sri Lanka, Syrian Arab Republic, Tunisia, United Arab Emirates, United Kingdom, Zambia.

Negative: 21. Bahrain, Bangladesh, Belarus, Brazil, Canada, Czechoslovakia, Germany, Hungary, Indonesia, Islamic Republic of Iran, Kuwait, Malaysia,

Netherlands, Portugal, Slovenia, Spain, Sudan, Suriname, Swaziland, Uruguay, Venezuela.

Other: 11. Bolivia, Chad, Congo, Cuba, Egypt, Jordan, Qatar, Romania, Saudi Arabia, Turkey, United States.

Australia. (1) Yes. The failure to make a distinction between permanent part-time work and casual part-time work would create difficulties. (2) Two separate Conventions could be drawn up, one applying to casual (short-term, irregular or seasonal) work and the other to permanent part-time work (part-time work under an ongoing contract of unspecified duration).

ACCI: (1) The industrial award system, which is the source of most of the regulatory obligations concerning part-time work, is not amenable to across-the-board changes. (2) Policy guidelines from industrial tribunals could facilitate the removal of many restrictions on part-time work contained in awards. In addition, greater freedom should be given to employers and workers in particular enterprises to agree on the removal of such restrictions.

Austria. (1) Yes. In Austria there is no statutory definition of part-time work. It is envisaged to define part-time work as indicated under Question 3 and to abolish time-limits laid down in labour legislation. In addition, employers may attach conditions to the granting of voluntary benefits to workers, provided that they do not differentiate arbitrarily and that they respect the principle of equality of treatment; this could lead to the exclusion of part-time workers from such benefits, where justified for substantive reasons (see Question 18). Part-time workers are not entitled to special compensation where their working time exceeds the agreed level but is shorter than normal hours of work (see Question 21). "Insignificant" forms of employment, below a certain level, are excluded from some social security benefits. The abolition of this level would have many repercussions. (2) The problem concerning Question 18 could be settled by providing that part-time workers should be given consideration on a proportional basis. This could also be resolved, as could the problem concerning Question 21, by the addition, in the Convention, of a clause stating that the provisions would be applicable only if national conditions permit.

BAK: (1) Yes. "Insignificant" forms of employment are excluded from some provisions. These are defined under labour legislation in terms of a minimum number of working hours, while under social security law they are defined in terms of the level of remuneration. (2) The elimination of such exclusions from labour legislation would not create special difficulties, but the repeal of the exclusions from social security law would have many repercussions.

Barbados. (1) Qualification for paid annual leave depends on the total number of days worked, not on the hours worked per week.

Belgium. (1) Yes. See the reservations made by the Government concerning several points of the questionnaire.

Bolivia. (2) A committee of employers' and workers' representatives could be responsible for resolving difficulties which might arise.

Burundi. (1) Yes. The national legislation of non-industrialized countries tends to group together part-time workers with other categories such as temporary, casual or seasonal workers. (2) National law and practice should be revised in so far as they have generally been established with full-time workers in mind.

Chad. (1) Part-time work does not yet exist in Chad and there is no legislation on this subject.

Chile. (1) Yes. See the replies to relevant questions, especially those concerning funds for unemployment insurance, bonuses, social security, transfer from full-time to part-time work, etc. For other possible problems, it will be necessary to know the final text of the instrument.

Congo. (1) Part-time work is practically non-existent in Congolese national law and practice.

Cuba. (1) National legislation does not contain detailed provisions on part-time work.

Cyprus. (1) Yes. No unemployment benefit is payable whilst an employee is working part time. Furthermore, the termination of employment legislation limits the protection afforded by it to employees who work at least 28 hours a week. Part-time work is not very common in Cyprus.

Denmark. (1) Yes. There are some obstacles to an extension of part-time work caused by collective agreements. (2) These obstacles should be reduced or removed within the framework of the collective bargaining system.

Egypt. (1) There are no provisions of national law regulating part-time work.

Gabon. (1) Yes. Since national law and practice have been established for standard contracts of employment, it would be very difficult to adapt them to the special characteristics of part-time work. Furthermore, the development needs of the country are not really compatible with this form of employment. (2) For the reasons given above, a Recommendation would be sufficient at the international level.

Germany. (1) No, in principle, provided that the reservations expressed in the reply to Question 1 are taken into account.

BDA: (1) Yes. Difficulties would arise if provisions to which objections are made above were to be adopted. (2) These difficulties could be resolved only by means of sufficiently flexible provisions.

DGB: (1) National legislation treats part-time workers differently according to the number of hours worked. Below specified levels of weekly working time, part-time workers have no coverage under unemployment insurance, pension and sickness insurance. Above a particular level, entitlement to an education allowance is lost. (2) Those forms of part-time employment which are excluded from social insurance should be abolished. Weekly working time should be at least 20 hours, with the possibility for exceptions in collective agreements; this would provide a minimum economic and social protection.

Ireland. ICTU: No.

Italy. ASAP: (1) Yes. Unequal contributions give part-time workers an advantage over full-time ones.

UIL: (1) Yes, especially as regards insurance benefits. (2) Legislation is proposed by the trade union confederations to promote employment through the reorganization of working time.

Japan. (1) Yes. It is difficult to apply employment promotion measures in full to part-time workers. In Japan such measures are targeted at full-time employment with a view to guaranteeing workers' job stability and livelihood. The concept of job-sharing does not exist in Japan and the instrument should take account of this and of other differences between countries in the use of part-time work and the measures to deal with it. (2) The proposed instrument should be flexible so that it can be applied according to national circumstances.

Jordan. (1) There is no current legislation on part-time work.

Kuwait. (1) Not in the event of a Recommendation only, since this could not be mandatory.

Mexico. (1) Yes. National law and practice are mainly concerned with full-time workers. Mexican legislation, while not dealing specifically with part-time work, does however recognize its existence. Working hours are subject to agreement between employers and workers, provided that they do not exceed prescribed maxima. (2) Through collective agreements and individual contracts, until the situation requires the development of legislation.

New Zealand. (1) Yes. As almost no legal distinctions are made between full-time and part-time workers, a Convention dealing specifically with part-time work is not appropriate. It would have a negative overall effect on part-time employment levels. (2) No international instruments should be adopted.

Norway. (1) Yes. See reply to Question 9 (2).

Pakistan. PNFTU: (1) No.

Panama. (1) Yes. It is not acceptable to create in national legislation a special regulatory system for part-time work; this kind of work is now included in the general provisions of the Labour Code, which makes no distinction between part-time and full-time workers.

Poland. CPE: The Polish labour law and social security system is very liberal on these issues. Care is needed to ensure that the instrument does not impede desired changes aimed at improving work processes.

Portugal. CIP: No difficulty if the Recommendation is sufficiently flexible.

Qatar. (1) Part-time work is practically non-existent and is not covered by national legislation.

Romania. (1) There is no national legislation dealing with part-time work.
FRATIA: (1) Yes, because of gaps in the current legislation. (2) Legislation on part-time work should be adopted and unemployment legislation revised.

Saudi Arabia. (1) There are no provisions in national law to regulate part-time work, and the practice is limited.

Sri Lanka. (1) Yes. Prejudice to the rights of full-time workers could result from measures aimed at promoting part-time work. In addition, enforcement of any legislation pursuant to ratification of the proposed Convention would pose problems, particularly in remote areas. (2) These problems could be overcome only by strengthening enforcement machinery, subject to financial constraints.

Sweden. SAF (Questions 31 and 33): (1) Yes. Detailed regulation of part-time work would lead to loss of flexibility and productivity and additional bureaucracy and administration. (2) The instrument, if any, should therefore focus on general basic principles only and refrain from regulating points of detail.
TCO (Questions 31 and 33): (1) A Convention as envisaged would not cause problems, although this would depend on whether equal working and social conditions were prescribed in most sectors. (2) Rates of pay are settled in collective agreements and should not be regulated by a Convention.

Syrian Arab Republic. (1) Yes. There are some particularities of national law which would create difficulties in applying the instrument. (2) Changes to these laws would not be easy.

Tunisia. (1) Part-time work is not regulated in Tunisia, with the exception of half-time work in the civil service, which concerns only a very small number of public officials. Furthermore, Tunisia has not set up an unemployment insurance scheme. Account should be taken of the situation of developing countries which is generally characterized by a high rate of unemployment and low wages. Furthermore, part-time work should not be promoted at the expense of full-time work.

Turkey. (1) National legislation does not distinguish between full-time and part-time work. Legal and practical arrangements apply to full-time work, since most employment is full time.

United Arab Emirates. (1) Movement between full-time and part-time status of migrant workers may create difficulties if national practice does not allow for this. (2) A flexible instrument in the form of a Recommendation is therefore needed.

United Kingdom. (1) Yes. It would be very difficult to pay a lower rate of unemployment benefit to part-time workers as this would add a heavy administrative

burden at a time when attempts are being made to simplify matters. Part-time workers can now receive full benefits at the standard rate if they satisfy the contribution conditions. For a part-time worker paying national insurance contributions this is the same rule as for full-time workers.

CBI: (1) Yes. The proposals do not address the balance and inherent conflicts between the protection of part-time workers and the encouragement of part-time work. Definitions, scope, application and the underlying assumptions of "normal" basic terms and conditions all create problems. (2) These difficulties would be best met by concentrating on those elements of the Convention that encourage job creation.

TUC: (1) No. (2) It is simply a matter of the government making the necessary changes to employment law.

United States. This can be determined only when the substance of the instrument(s) is known and has been examined by the individual state jurisdictions.

USCIB: (1) Yes. See reply to Question 1. Complex regulation of part-time work would be impractical in maintaining its flexibility and dynamism. (2) Matters related to part-time work should not be dealt with at the international level. The ILO's resources would be better used in promoting job creation and economic development.

Zambia. (1) Yes. As currently conceived, the implementation of the instrument would be impractical in developing countries. (2) The proposed instrument should be flexible in order to accommodate the needs of developing countries and not reduce economic growth by creating legal and administrative obstacles to business.

The most frequent observations under this question concerned the very limited recourse to part-time work in developing countries, whose laws and regulations were conceived for full-time work. These countries might find it difficult and unnecessary at this stage to adapt their legislation to the requirements of the proposed instruments. Other replies emphasized the need for flexibility.

Some governments referred to difficulties concerning the definition of part-time work and the scope of the exclusion of specific categories of workers from some or all of the provisions of the instruments. One such government referred to problems that might arise if requirements were established based on a formal definition of part-time workers as persons working certain hours only, since some entitlements in that country were dependent on the level of earnings. Other governments mentioned the need to provide for the exclusion from the scope of statutory social security schemes of workers whose hours of work or earnings were below certain levels, although one workers' organization opposed the possibility of exclusion on this basis. Others commented on the difficulties which application of the instruments to civil servants or to casual workers would cause. One government raised the issue of the rate of unemployment benefit payable to part-time workers. Finally, another government queried whether a qualification for annual leave which depended on the total number of days worked rather than on the weekly hours of work would cause difficulties. This might place part-time workers who work a reduced number of days per week at a disadvantage, particularly if their pecuniary entitlements are also based on their reduced earnings.

Most of these observations have been commented on by the Office under the relevant questions above.

(Federal States only) Do you consider that, in the event of the instrument(s) being adopted, the subject-matter would be appropriate for federal action, or wholly or in part for action by the constituent units of the federation? **Qu. 32**

Total number of replies: 11.

Australia, Belgium, Canada, Germany. The matter would fall within the competence both of the federal authorities and of the constituent units.

Austria, Brazil, Czechoslovakia, Malaysia, Mexico, Sudan, United Arab Emirates. The subject would fall within the competence of the federal authorities.

In view of the flexibility allowed in implementing the instruments, the replies to this question do not seem to raise any special difficulties.

(1) Are there, in your view, any other pertinent problems not covered by the present questionnaire which ought to be taken into consideration when the instruments are being drafted? **Qu. 33**

(2) If so, please specify.

Total number of replies: 31.

Affirmative: 13. Australia, Bahrain, Bolivia, Hungary, Indonesia, New Zealand, Norway, Spain, Sri Lanka, Tunisia, Turkey, United Kingdom, Venezuela.

Negative: 18. Austria, Barbados, Brazil, Burundi, Canada, Chad, Cyprus, Czechoslovakia, Egypt, Germany, Jordan, Kuwait, Mexico, Netherlands, Poland, Sudan, Suriname, Swaziland.

Australia. Encouraging more flexible working arrangements for part-time work, such as specifying working hours on a monthly or annual rather than a daily or weekly basis, could be taken into consideration.

Bahrain. The problem of part-time workers with more than one job, full time or part time, should be considered.

Bolivia. Wage adjustment is probably the main problem which should be examined.

Denmark. DA: In Denmark there are some obstacles to an extension of part-time work due to provisions established by collective agreements. These obstacles should be reduced or removed within the framework of the collective bargaining system.

Hungary. Wage problems: where possible and necessary, wages may depend upon performance and not on working hours.

Indonesia. The rates of remuneration of part-time workers should not fall below those of full-time workers.

Japan. RENGO: Consultation with the trade union and the representatives of part-time workers should be required on conditions of employment and work of part-time workers, including the content of the document which sets out these conditions.

Consideration should be given to discrimination in working conditions suffered by workers who are regarded by the employer as part-timers, yet whose working hours are not different from those of full-time workers. The content of equal treatment is insufficient, and many matters which should be dealt with in the Convention are included in the Recommendation. Provisions for the obligations of employers and for the participation of part-time workers in setting and implementing their conditions are insufficient. Finally, while promotion of part-time work has been emphasized, the emphasis should instead have been placed on improving the conditions of part-time workers who voluntarily prefer such work.

Norway. Part-time work for disabled and occupationally handicapped employees is discussed only briefly in the report and should be dealt with more extensively.

Spain. Consideration should be given to the computation of years of service for part-time workers. This subject could be included in Question 9 concerning the Convention or in the Recommendation. It is proposed that years of service should be considered in the same way as in the case of full-time workers. Among the promotional measures for part-time work, the case of early partial retirement of full-time workers, reducing the working time by half, combined with the recruitment of new part-time workers, should be considered.

Sri Lanka. The question as to whether full-time workers with additional part-time employment and workers engaged in more than one part-time job should be included in the instrument should be clearly resolved.

Sweden. LO: Unions have a vital part to play in influencing the terms of part-time employment. This should be reflected to a greater extent in the instruments.

Tunisia. The questionnaire does not deal with the situation of workers having two or more part-time jobs.

Turkey. The instrument(s) should guarantee minimum wages for part-time workers.

Venezuela. The absence of fixed maximum and minimum daily working hours could be a problem. This is within the Conference's mandate — the Preamble to the Constitution of the ILO refers to "the establishment of a maximum working day and week" — and if it is instead left to the collective bargaining process, a new form of slavery may result, made possible by new technology, whereby workers may have to work 14 or 15 hours a day even if they do not work the rest of the week.

Many of the problems raised in the replies to this question have been discussed under previous questions. Some governments referred to the situation of a part-time worker with more than one job. The implications of this will vary according to the provision and it does not seem feasible either to make special reference to such workers in a multitude of provisions or to propose a broader principle of general application. In general, it should be possible to deal with situations which may arise through the application of the proposed provisions to each particular part-time job which a worker occupies.

One government proposed that the length of service of part-time workers should be addressed. Length of service may be relevant to many different rights, according to national law and the practice of each establishment, including leave, wages and bonuses, career opportunities, termination of employment provisions and other conditions. Some of these are included under Point 19 of the Proposed Conclusions, which specifies that the periods of service as a condition for certain forms of protection should be no longer for part-time workers than for other workers. Point 25, which provides for all appropriate measures to be taken to overcome specific constraints on access by part-time

workers to training, career opportunities and occupational mobility, is also relevant in this context, as is Point 20 concerning financial compensation additional to basic wages. The Conference may wish to consider whether these provisions adequately cover the question of seniority or whether, on the other hand, a more specific reference should be made.

Two governments referred, from different perspectives, to the question of flexibility of working time arrangements. On the one hand, it was suggested that limitations to such flexibility should be defined, so as to avoid inappropriate and unhealthy working time arrangements being imposed. On the other hand, promotion of working time arrangements defined in terms of monthly or annual hours, instead of on an hourly or weekly basis, was recommended. The former proposal has not been reflected in the Proposed Conclusions, since it is a general concern about hours of work which is by no means confined to part-time workers. As regards the latter suggestion, the proposed instruments leave to member States and the social partners decisions on what forms of part-time work would be promoted. The definition of "part-time worker" in Point 3 of the Proposed Conclusions is sufficiently flexible to include workers whose reduced working hours are defined on a monthly or annual basis.

Finally, the issue of part-time work for disabled persons, raised by one government, has been addressed in Point 12 (b) of the Proposed Conclusions. A more detailed consideration of this issue might be more appropriate in the context of measures aimed at improving vocational rehabilitation and employment opportunities than in general instruments concerning part-time work.

PROPOSED CONCLUSIONS

The following are the Proposed Conclusions which have been prepared on the basis of the replies received, which are summarized and commented on in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the fifth item on the agenda of its 80th Session (1993).

Some differences in drafting will be found between the Proposed Conclusions and the Office questionnaire that are not explained in the Office commentaries. These differences are due to concern both for concordance between the various languages and for the terminology to be adapted as far as possible to that employed in existing instruments.

A. Form of the instruments

1. The International Labour Conference should adopt standards on part-time work.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Definition and means of application

3. For the purposes of these standards:

(a) The term "part-time worker" should mean an employed person who works, on average over a given period of employment, less than the number of hours which constitute, for the relevant type of work or occupation, the normal weekly working hours of full-time workers in the establishment or branch of activity concerned;

(b) this definition should not apply to employed persons affected by partial unemployment, that is a collective and temporary reduction in normal hours of work for economic, technical or structural reasons.

4. The standards should not affect more favourable provisions applicable to part-time workers under other international labour standards.

5. The standards should be applied by laws or regulations, except in so far as effect is given to them by means of collective agreements or in any other manner consistent with national practice. The most representative organizations of employers and workers should be consulted before any such laws or regulations are adopted.

C. Proposed Conclusions with a view to a Convention

6. (1) The Convention should apply to all part-time workers, provided that a Member may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from its scope limited categories of workers or of establishments when its application to them would raise special problems of a substantial nature.

(2) Each Member having ratified the Convention which avails itself of the possibility afforded in the preceding paragraph should, in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers or of establishments thus excluded and the reasons why this exclusion was or is still judged necessary.

7. Measures should be taken to identify and eliminate the obstacles which may prevent part-time workers from enjoying in practice the protection accorded to all workers in respect of:

(a) the right to organize, to bargain collectively and to act as workers' representatives;

(b) occupational safety and health;

(c) discrimination in employment and occupation.

8. Measures should be taken to identify and eliminate any differences in unit wage rates between part-time workers and other workers performing work of equal value.

9. Statutory social security schemes which are based on occupational activity should be adapted to the occupational circumstances of part-time workers so that these workers enjoy equivalent conditions to those of other workers. Where appropriate, these conditions may be determined in proportion to hours of work or contributions.

10. Measures should be taken to ensure that part-time workers receive equivalent conditions to those of other workers in the establishment or branch of activity concerned in the fields of:

(a) maternity protection;

(b) termination of employment;

(c) paid annual leave and paid public holidays,

it being understood that pecuniary entitlements might be determined in proportion to hours of work or earnings.

11. (1) A Member may exclude from the scope of any of the schemes referred to under Point 9, except those providing employment injury benefits, and of any of the measures taken in the fields mentioned under Point 10, part-time workers whose earnings or hours of work are below specified thresholds, which should be sufficiently low not to exclude a significant percentage of part-time workers.

(2) A Member which avails itself of the possibility in paragraph (1) above should:

(a) periodically review the thresholds in force; and

(b) in its reports on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate the thresholds in force, the reasons therefor and the action taken to extend progressively protection to the workers excluded.

(3) The most representative organizations of employers and workers should be consulted on the establishment or revision of the thresholds refered to in paragraph (1).

12. With a view to contributing to the promotion of productive and freely chosen employment, measures should be taken to encourage the creation of part-time jobs and to facilitate access to such jobs, in particular through:

(a) the adaptation of laws or regulations that may discourage recourse to or acceptance of part-time work, in particular in the field of social security, provided that the protection referred to in Points 7 to 10 above is ensured;

(b) the implementation of programmes responding to the special needs of persons such as the unemployed, workers with family responsibilities, older workers, disabled workers and workers undergoing education or training;

(c) the mobilization of employment services to identify and publicize possibilities for part-time work in their information and placement activities.

D. Proposed Conclusions with a view to a Recommendation

General provisions

13. The Recommendation should apply to all part-time workers.

14. The provisions of the Recommendation should be applied in conjunction with those of the Convention.

15. Employers should consult the representatives of the workers concerned on the introduction or extension of part-time work, on the rules and procedures applying to it and on the protective and promotional measures that may be appropriate.

Protection of part-time workers

16. Part-time workers should be provided with a written contract or statement of conditions of employment.

17. The adaptations to be made in accordance with Point 9 above to statutory social security schemes which are based on occupational activity should aim at:

(a) progressively reducing threshold requirements based on earnings or hours of work as a condition for coverage by these schemes;

(b) applying minimum and flat-rate benefits in full to part-time workers, in particular old-age benefits and family allowances;

(c) accepting that part-time workers whose employment has come to an end or been suspended and who are seeking only part-time employment meet the condition of availability for work required for the payment of unemployment benefits;

(d) reducing the risk that part-time workers may be penalized by schemes which:

(i) subject the right to benefits to a qualifying period, expressed in terms of periods of contribution, of insurance or of employment during a given period of reference; or

(ii) fix the amount of benefits by reference both to an average of former earnings and to the length of the periods of contribution, of insurance or of employment.

18. (1) Threshold requirements for access to coverage under private occupational schemes which supplement or replace the statutory social security schemes should be progressively reduced to allow part-time workers to be covered as widely as possible.

(2) Part-time workers should be protected by such schemes under conditions equivalent to those of other workers. Where appropriate, these conditions may be determined in proportion to hours of work or contributions.

19. (1) The threshold requirements based on earnings or hours of work as a condition for coverage by the protective laws and regulations in the fields referred to in Point 10 above should be progressively reduced.

(2) The periods of service required as a condition for protection in the fields covered by Point 10 above should be no longer for part-time workers than for other workers.

20. Part-time workers should benefit on an equitable basis from financial compensation, additional to basic wages, which is received by full-time workers in the establishment or branch of activity concerned, including incentive payments; bonuses; premiums for shift, night and weekend work and work on public holidays; and allowances for transport, meals and other purposes.

21. All appropriate measures should be taken to ensure that as far as possible part-time workers have access on an equitable basis to the welfare facilities and social services of the establishment concerned.

22. (1) The number and scheduling of hours of work of part-time workers should be established taking into account the interests of the workers as well as the needs of the establishment.

(2) Changes in the agreed work schedule and work beyond scheduled hours should be subject to restrictions and to prior notice.

(3) The system of compensation for work beyond the agreed work schedule should be negotiated between the employer and the representatives of the workers concerned.

23. Part-time workers should have access on an equitable basis to all forms of leave available to other workers in the establishment or branch of activity concerned, in particular paid educational leave, parental leave and leave in cases of illness of a child or another member of the worker's immediate family.

24. Where appropriate, the same rules should apply to part-time workers as to other workers in the establishment or branch of activity concerned with respect to scheduling of annual leave and of work on customary rest days and public holidays.

25. All appropriate measures should be taken to overcome specific constraints on the access of part-time workers to training, career opportunities and occupational mobility.

Promotion of part-time work

26. Provisions of statutory social security schemes based on occupational activity that may discourage recourse to or acceptance of part-time work should be adapted, in particular those which:

(a) result in proportionately higher contributions for part-time workers;

(b) excessively reduce the unemployment insurance benefits of unemployed workers who temporarily accept part-time jobs;

(c) overemphasize, in the calculation of old-age benefits, the reduced income from part-time work undertaken solely during the period preceding retirement.

27. (1) Special consideration should be given to:

(a) requests by workers for transfer from full-time to part-time jobs that become available with the same employer; and

(b) requests by workers for transfer from part-time to full-time jobs that become available with the same employer.

(2) Employers should provide timely information to the workers on the availability of part-time and full-time positions in order to facilitate transfers from full-time to part-time work and vice versa.

28. Where national or establishment-level conditions permit, workers should be given the right to transfer to part-time work and subsequently to return to full-time work in justified cases, such as pregnancy or the need to care for a young child or a disabled or sick dependant.

29. Where obligations on employers depend on the number of their employees, part-time workers should be given less weight than full-time workers, unless this would not be appropriate, for example for reasons of occupational safety and health.

30. Information should be widely disseminated on the advantages of part-time work for both employers and workers, on the protective and promotional measures that apply to such work, and on practical arrangements for various part-time work schemes.

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